**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-73-2025
Reserved on: 21st April, 2025
Pronounced on : 24th April, 2025

SUKHPREET SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaneet Kumar Sharma, Advocate for the petitioner.
(through video conferencing mode)

Ms Sakshi Bakshi, AAG, Punjab.

None for the complainant.

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MANISHA BATRA, J :-

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No.85 dated 15.05.2024 registered under Sections 420, 120-B of IPC at Police Station City Tarn Taran, District Tarn Taran.

2. The aforementioned FIR has been registered on the basis of a complaint lodged by the complainant Harpreet Singh alleging that he was running a School at Bath Road, Tarn Taran. The bank account of his school was operated from Kotak Mahindra Bank, Branch Pandori Golan. Accused Sandeep Singh was posted as Manager in this branch and due to the constant visits of the complainant in the said bank, he developed good relations with Sandeep Singh. He alleged that in the year 2018, the accused Sandeep Singh

while representing that he along with friends has formed an Investment Company in the name of ‘Future Star & Ticonic Marketing Pvt. Ltd.’, induced him to invest money in the said company by alluring him that he would be fetching good profits. He also represented to him that the Head Office of the company was at Siliguri and its employees were earning four times returns on the investments made by them in Share Market/Forex Market and Crypto currency. The accused Sandeep Singh also told him that the present petitioner who is his brother-in-law and accused Harjinder Singh were marketing heads of the company whereas he was looking after the accounts. He also introduced the complainant with the petitioner and the co-accused. On being induced by them, the complainant deposited an amount of Rupees 49 lakhs 40 thousand in the bank account of the co-accused making investments in the company. He also made his acquaintances to invest in the same and in this manner, an amount of about Rupees 2 crore 90 lakhs had been invested. The complainant asked Sandeep Singh to give him some security and he gave a cheque amounting to Rupees 2 crore 90 lakhs.

3. As per further allegations, the complainant and his acquaintances, who had invested money in the company received returns for some time but subsequently the same stopped. On asking, accused Sandeep Singh said that the company had committed fraud and its director had run away. The accused Sandeep Singh transferred an amount of Rs.50 lakhs in the account of the complainant by transferring it from the account of some of customers of the bank and took his signatures on one cheque and pronotes. The remaining amount was not returned. The cheque of Rupees 2 crores 90

lakhs when presented for realisation, was also dishonoured. While alleging that the petitioner along with co-accused had cheated him and committed fraud, he prayed for taking action in the matter.

4. The aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Tarn Taran vide order dated 18.12.2024.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, he himself is a victim to the fraud committed by the company which was run by its Managing Director Micheal Mennas who cheated him and others on account of giving double of the amount of investments made with the company within a period of five months. He himself had invested an amount of Rs.35,89,000/- with the company. Accused Micheal Mennas had paid only sum of Rs.1,98,000/- as quarterly interest to him and thereafter did not pay any money. He was even constrained to file a civil suit against Micheal Mennas and his company which is pending. His name has been roped up by the complainant only to enhance the gravity of the offence. The dispute is of civil nature. No recovery is to be effected from him. He is ready to join the investigation. The allegations do not make out any case for commission of offence of cheating by him as there was no inducement on his part. With these broad submissions, it is urged that he deserves to be extended benefit of pre-arrest bail.

6. Status report has been filed by respondent-State. It is argued by learned Additional Advocate General, Punjab that there are serious and specific allegations against the petitioner who in connivance with the co-accused had allured the complainant to invest money in their fraud Investments Company on account of doubling the money invested but had cheated him. His custodial interrogation is required to elicit information about the manner in which the subject offences were committed as well as for recovery, no extraordinary and sparing circumstance for grant of pre-arrest bail is made out in favour of the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

7. Rival contentions raised by both the sides have been heard.

8. The petitioner is alleged to have hatched a conspiracy with the co-accused in pursuance of which the complainant had been duped of a staggering amount of Rupees 2 crores 90 lakhs. An amount of Rs.35,89,000/- was transferred in the bank account of accused Micheal Mennas by the petitioner. The allegations against the petitioner are serious in nature. The case is still at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a

fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24.04.2025
Deepak Patwal

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No