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

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Date of decision: 06.11.2025

Sukhjeet Singh

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.286 dated 30.08.2024, registered for the offences punishable under Sections 120-B, 204, 217, 218, 34, 35, 403, 406, 408, 417, 418, 420, 465, 467, 468, 471, 477, 477-A of IPC at Police Station Ellenabad, Sirsa, District Sirsa.

2. The FIR in question was registered based on the complaint made by one Kuldeep Singh, Deputy Manager in Mahindra & Mahindra Financial Services Ltd., Sirsa. He alleged that the accused persons namely Jitender (Executive), Brahmpal S/o Hansraj, Virendra Giri S/o Harisingh Giri, Kuldeep S/o Baldev Singh, Subhash @ Sher Singh @ Shera Bhadu, Sukhjeet Singh S/o Mandar Singh, Baljinder Singh S/o Bhola Singh, Major Singh S/o Mahender Singh, Jeet Ram S/o Girdharilal, Jeet Singh S/o Balwinder Singh, in connivance with officials of the Sub-Divisional

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Magistrate (SDM) Office, Ellenabad, had hatched a criminal conspiracy to cause wrongful loss to Mahindra & Mahindra Financial Services Ltd. and corresponding wrongful gain to themselves by forging and using fabricated No Objection Certificates (NOCs) to falsely show clearance of tractor loans. It has been further alleged that the borrowers obtained tractor loans for amounts higher than the actual value of the tractors and subsequently with the aid of brokers and public servants, procured forged NOCs purportedly issued by the Kotak Mahindra Bank instead of Mahindra & Mahindra Financial Services Ltd. These NOCs were used to cancel the hypothecation from the vehicle records without verifying the authenticity from the financing company. Thereafter, the aforesaid borrowers illegally sold hypothecated tractors without repaying the loan amounts. It was further alleged that the forged NOCs and self-declaration forms were attested by Notary Chander Rekha, Sirsa, and falsely declared that loans were taken from and cleared with Kotak Mahindra Bank. Thereafter, statements of borrowers revealed they were illiterate and had been induced by accused persons, including Sukhjeet Singh (petitioner herein), who obtained their signatures on the blank papers after offering ₹30,000 each, under the pretext of providing government benefits. Furthermore, the SDM office, Ellenabad, failed to verify NOCs with the financing company and the registration records lacked official endorsements and OTP verification. Bank account (Axis Bank A/c No. 922010063243248, in the name of Jeet Ram) showed deposits from Mahindra Finance which were later withdrawn by accused Anil Lohani. Tractors bearing Nos. HR-44M/9006 and HR-44M/1847 were also recovered from accused Subhash and Anil respectively. Disclosure

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statements of Anil Lohani and Brahmpal confirmed the involvement of Sukhjeet Singh and others in orchestrating the fraud. The investigation establishes that the accused persons, in collusion with public officials, fabricated NOCs and forged official records to fraudulently release hypothecated tractors and sell them illegally causing substantial financial loss to Mahindra & Mahindra Financial Services Ltd. The role of Sukhjeet Singh (petitioner herein) and other co-accused is specifically evident from the statements of co-accused and the beneficiaries of the fraud. On these set of allegations, the FIR in question came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner was employed merely as a salesman with Dandiwal Tractor Agency, Dabwali and his duties were confined solely to explaining the features and technical aspects of tractors to prospective customers. According to learned counsel, the petitioner has no authority or responsibility with respect to financial dealings, documentation or any other administrative work of the agency. Learned counsel has further iterated that the petitioner was neither an authorized signatory nor an agency of the said agency in any capacity. It has been further contended that the petitioner has no concern, connection or link with the Mahindra and ZMahindra Financial Services Ltd of the SDM office, Ellenabad and was never involved in any financing or registration process of the vehicles in question. Furthermore, a bare perusal of the FIR reveals that no specific or direction allegations have been levelled against the petitioner. The FIR merely contains a vague and omnibus assertion that the petitioner was involved in the alleged fraud without any supporting material linking him to the commission of the



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offences. It has been further submitted that there is no need for custodial interrogation of the petitioner as he is ready to join investigation. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has referred to status report dated 25.10.2025 by way of affidavit of Faisal Khan, IPS, Assistant Superintendent of Police, Ellenabad and has raised submission in tandem with the said affidavit. The relevant portion of the said affidavit reads thus:

“10. That it is also worth mentioning here that Sukhjeet Singh Present Petitioner, has given his name and Mobile Number as reference in the loan document. The borrower has to provide the names of two of his known persons as references. The Finance Company makes a call to these references and asks them about the borrower. When the company officials came to know about the large-scale fraud being done in the Sirsa Branch, they checked the loan documents of such cases. In two cases of Hardayal Singh and Satish, it was found that Sukhjeet Singh Present Petitioner, was shown as a reference. As per the process, the tele calling team of the complainant company called at that number and talked with Sukhjeet Singh regarding the loan being granted to these borrowers. Sukhjeet Singh said that he personally knows the borrowers. This contradicts the stand of the petitioner that his only duty was to make the customers aware of the features of the tractors while sitting in the tractor agency, and he had no relation of any type with the Complainant Company. These two cases were also processed by co-accused Jiternder. This connects Sukhjeet Singh with the co-accused Jitender and shows that he is a part of the Syndicate, which has committed big fraud with the Complainant Company. Customer Application form is Annexure R-1 and R-2, and Customer Mobile application form of Sukhjeet Singh, Present-petitioner, Annexure R-3

11. That during the investigation, at the time of interrogation of the accused Brahmopal, Anil Lohani, and Subhash@ Shree Singh disclosed in their disclosure statement about the involvement of Sukhjeet Singh in the crime.



12. That during the investigation, it also came to the knowledge of the investigation officer that an amount of Rs. One lakh was transferred from the account of accused Brahmapal to the account of Sukhjeet Singh on 19.07.2023 as commission of profit. In addition to this transaction, amounts of Rs. 43,600 and Rs. 13,000 as commission profit were also transferred by accused Brahmapal in the account of co-accused Anil Lohani on 19.07.2023 and 25.07.2023, respectively. These transactions clearly show illegal business transactions co-accused, i.e. Jitender and Sukhjeet Singh, Present-Petitioner. Bank Account Statement of the accused Brahmapal is Annexure R-4.

13. That the disclosure statements of co-accused, i.e, Brahmapal, Anil Lohani. and Subhash alias Sher Singh, are corroborated with witness statements and documentary evidence obtained from the SDO(C) office and bank accounts. Copies of such statements have been placed on record as Annexures R-5, R-6, and R-7

14. That it is pertinent to mention here that when in compliance of this Hon'ble Courts orders Sukhjeet Singh was joined in investigation on 24.07.2025 and 22.08.2025 and when he was asked to conduct a Test identification Parad before victims/witness as to whether he is the person who played a fraud whit illiterate and innocent villager, both time he (Sukhjeet Singh) replied that he do not want to do so. When he was questioned whether he knew other co-accused, then he replied that he knew them and had having friendship with them. When he was questioned as to whether he had received any amount by selling tractors with forged documents, he replied that he received nothing, but as per the received document, an amount of Rs. 100,000 was received in his bank account. Thus, despite giving a clear answer put by the investigation officer, he again and again replied that he got Anticipatory Bail by the Hon'ble High Court. It is worth mentioning here that Sukhjeet Singh put his signature in front of every answer given by him as a token of its correctness

15. The custodial interrogation of the petitioner is very much necessary to recover Rs 100,000 received by Sukhjeet Singh in lieu of illegal act, forged documents, to unearth the names of other persons who were involved in crime, the amount in addition to Rs. One lakh which he got as commission profit and to recover the other tractors as well as to know whereabouts of other co-accused Kuldeep and Jitender.”

Learned State counsel has iterated that the name has



statements of co-accused. Learned State counsel has further iterated that the custodial interrogation of the petitioner is required to unearth the wider conspiracy, identify other participants and recover forged documents. On the strength of these submissions, dismissal of the instant petition is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as **Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another** passed in **SLP(Crl) No.1125-2022**, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without



hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu v. P.T. Manokaran** [**D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345**], **State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain** [**State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC**



213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain** [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1**, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* reflects that name of the petitioner has emerged consistently in the statements of co-accused who have disclosed his involvement in procuring forged documents and manipulating illiterate borrowers to facilitate fraudulent loans. The forged NOCs and self-declaration forms were used to cancel hypothecation entries without verification which has caused substantial financial loss to the company of the complainant. The offences



cheating and forgery of official documents in which public officials and private individuals appear to have acted in concert. The role attributed to the petitioner cannot, at this stage, be brushed aside as merely that of a salesman. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is essential for tracing the flow of funds, identifying other conspirators and recovering relevant documentary evidence. It is settled law that while considering a plea for anticipatory bail, the Court must keep in mind the gravity of the offence, the nature of the allegations and the requirement of custodial interrogation. Economic offences, being committed with deliberate design and affecting the financial integrity of institutions are to be treated as grave offences.

8. The investigation is at nascent stage and the recovery of crucial documentary evidence coupled with other circumstances detailed in the investigation points towards the active complicity of the petitioner in the alleged offence and to defraud the complainant. The nature and gravity of the offence necessitate a thorough investigation which, at this stage, cannot be conducted without the petitioner being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. The petitioner, in a calculated and fraudulent manner, proceeded to defraud the company of the complainant which is a grave and serious economic offence.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to



the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under : (SCC p.189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary to unravel the full extent of the conspiracy.

11. In view of the prevenient ratiocination, it is directed as under:

(i) The petition in hand is dismissed being devoid of merits.



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- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 06, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No