



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-19161-2025

Date of decision: 7th April, 2025

Anmol Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sumit Bhardwaj, Advocate for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of pre-arrest bail filed by the petitioner in case arising out of FIR No. 488 dated 30.11.2024 registered under Sections 316(2), 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Ambala Cantt, District Ambala, on the basis of a complaint lodged by the Branch Manger of Union Bank of India, Branch Rai Market, Ambala Cantt. His previous petition bearing CRM-M-1026-2025 was dismissed vide order dated 13.01.2025.

2. The allegations against the petitioner are that he had taken two gold loans from the complainant bank by pledging gold. The co-accused Pawan Kumar who was on the panel of complainant bank as a valuer, had given a report that the gold articles/ornaments deposited by the petitioner were genuine. Infact, he had connived with the petitioner in doing so and those ornaments were found to be fake. By alleging that the petitioner and



the co-accused Pawan Kumar had cheated the complainant bank, action had been prayed for. After registration of FIR, investigation proceedings were initiated and the same are underway. The previous petition of the petitioner was dismissed on 13.01.2025. The observations as made therein that are relevant for the purpose are reproduced as follows:-

“7. The petitioner is alleged to have secured gold loan amounting to Rs.13,06,000/- from the complainant-Bank by pledging gold which was in fact fake and not pure. This is alleged to have been done by him in connivance with the co-accused, who was a valuer/appraiser empanelled by the complainant-Bank and had submitted a false report. As per the allegations, other complaints of similar nature have also been filed against the petitioner which are pending. The case is still at its nascent stage.

8. In view of the nature of the allegations, this Court is of the considered opinion that for conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. Moreso, 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 also for 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 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 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. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

3. It is argued by learned counsel for the petitioner that he had been involved in one another case of similar nature bearing FIR No. 485 dated 29.11.2024 at Police Station Ambala Cantt and has been extended benefit of anticipatory bail in that case. Therefore, it is argued that he has become entitled for same benefit as well. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Learned Senior Deputy Advocate General, Haryana on the other hand has argued that there is no substantive or specious change in the circumstances ever since date of dismissal of the previous petition as filed by the petitioner before this Court. Grant of pre-arrest bail in some other case cannot be considered to be a circumstance entitling the petitioner to seek bail in this case as well. Accordingly, it is urged that the petition does not deserve to be allowed.

5. Rival contentions raised by both sides have been considered.

6. The petitioner is alleged to have secured gold loan amounting to Rs. 13,06,000/- from the complainant bank by pledging gold ornaments claiming them the same to be genuine but the same were subsequently found to be fake. He is alleged to have done so in connivance with the co-accused who was a valuer on the panel of the bank. For eliciting the truth of the allegations, custodial interrogation of the petitioner is must. The case still at its nascent stage. The previous petition as filed by the petitioner has been dismissed after making a detailed discussion qua grounds as taken therein.



There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

7th April, 2025
Parveen Sharma

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