

2025:PHHC:049685



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

108

CRM-M No.20026 of 2025 (O&M)
Date of decision: 09.04.2025

Tajinder Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bhupinder Banga, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

CRM-15104-2025

The application is allowed, as prayed for.

Main Case

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatorqy bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
12	26.02.2025	Pojewal, District Shaheed Bhagat Singh Nagar	420 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of

2025:PHHC:049685



complaint lodged by the complainant Gurdial Singh on the allegations that the petitioner who was working as a travel agent and was also running a partnership business under the name of Ganpati Finance at Jalandhar had induced the complainant to send his son to USA on making payment of an amount of Rs.40 lakhs. On 10.08.2023, the petitioner came to complainant's house when one Balwinder Singh was also present there. On being so induced, the complainant had agreed. He was made to part with huge amount of money on the pretext of sending his son abroad. The petitioner also introduced the complainant with the co-accused who too assured to send the son of the complainant to America without any risk. The accused Ankit Kapoor had assured to return the entire amount of money received from the complainant if his son was not sent to America. The receipt of the amount so received had also been given. The son of the complainant had been sent to Dubai and from where to some other country and he was returned to India after three months. While alleging that the petitioner had cheated the complainant by extracting a sum of Rs.24,25,000/- and by alluring his son to be sent to America without having any intention to do so, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Sessions Judge, Shaheed Bhagat Singh Nagar vide order dated 04.04.2025.

2025:PHHC:049685



3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case as he is neither a travel agent nor he has any concern with Ganpati Finance. No amount of money whatsoever has been transferred to his bank account. Even as per the version in the FIR, the whole amount of money was handed over to co-accused Ankit Kumar He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Accordingly, it is urged that he deserves to be extended benefit of pre arrest bail.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of anticipatory bail.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have cheated the complainant by inducing him to give a sum of Rs.24,25,000/- to him and to the co-accused by alluring that they would be sending his son to USA. The son of the complainant was, however, not sent to USA but to some other country from where he was made to return after three months. The case is 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

2025:PHHC:049685



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.

2025:PHHC:049685



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

09.04.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No