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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
208

CRM-M No.20526 of 2025
Date of decision: 28.07.2025

Tarsem Chand ... Petitioner
Vs.
The State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr.Gaurav Datta, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Ranwant Sangha, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

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

FIR No.	Dated	Police Station	Sections
0039	08.03.2025	Patran, District Patiala	406 and 420 of IPC (467, 468 and 471 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Des Raj owner of Mahadev Filling Station alleging therein that the petitioner who was working as Accountant/Manager in his petrol pump, had caused wrongful loss to the

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tune of Rs.50 lakhs to him and had cheated and defrauded him. Initially, a case under Sections 406 and 420 of IPC was registered. Investigation proceedings were initiated. During investigation, it was revealed that the petitioner had made forged and fabricated entries in the ledger account of the petrol pump and by showing sale of petrol to some fictitious persons had duped the complainant of a sum of Rs.50 lakhs. Offences under Sections 467, 468 and 471 of IPC were added. Investigation is still underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 27.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact he had been working in the petrol pump since the year 2007. There was dispute between the sons of complainant who had become co-sharers of the petrol pump and he was made to resign because of his proximity with one son of the complainant. On behest of his son namely, Harbans Lal, the complainant has falsely implicated the petitioner. Inquiry had been conducted by an officer of rank of DSP in the matter and the complaint previously filed by the complainant had been ordered to be filed. The FIR of this case was lodged on the basis of a complaint submitted by the complainant after a gap of three years, in connivance with the police officials. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. It is, therefore, argued that he

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deserves to be extended benefit of pre arrest bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of pre arrest bail. It is, therefore, argued that no exceptional or sparing circumstance for grant of anticipatory bail is made out in favour of the petitioner.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have made entries in the ledger account of the petrol pump with his own handwriting showing certain transactions of sale of petrol in the names of fictitious/non existing persons. During the course of the inquiry, he is alleged to have admitted this fact. He is also alleged to have got increased the credit limit of the bank account of the petrol pump to Rs.50 lakhs with fraudulent intent. Fictitious entries in the names of 15 fake account holders had been made by him and as per the allegations, he caused wrongful loss to the tune of Rs.50 lakhs to the complainant. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. 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

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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 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, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

28.07.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No