



CRM-M-20904-2025

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

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CRM-M-20904-2025

Date of decision: 1st May, 2025

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harinder Pal Singh Ishar, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 02 dated 07.01.2025 registered under Sections 318(4), 351(3) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Sadar Kurali, District SAS Nagar.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant Ravi Prakash, alleging therein that he was introduced with accused Pawan Kumar by accused Manoj Sharma, an acquaintance of his friend Gurdeep Singh. Accused Pawan Kumar, who was a property dealer and his associate Rahul Kumar represented to the complainant that they used to invest money with Overseas company, who offered commission of 1.50% of each investment. They induced the



complainant to invest money in the said company by alluring him that he would be fetching double profits. On being so induced, he had arranged an amount of Rs. 30,00,000/- from his friends and family members. On 19.12.2024, the complainant carried a sum of Rs. 30,00,000/- in cash to give the same to the accused Pawan Kumar for making investment and along with his friend Gurdeep Singh and one Noshad Ali, had travelled in his car and had gone to Kharar as per the instructions of accused-Manoj Sharma. In his presence, accused Manoj Sharma had called accused Pawan Kumar on phone, who instructed them to firstly meet one Rahul Kumar, near Badshah Hotel, Kurali. They reached at the said location at about 12:05 PM and met a person who introduced himself as Rahul Kumar, one male and female were accompanying him. They represented to the complainant that accused Pawan Kumar was on his way and started having conversation with him. On their asking, the complainant handed over the bag containing amount of Rs. 30,00,000/- to them. Then after making some excuse, they came outside. In the meanwhile, a swift car had reached there, two persons stepped out of the same and by claiming themselves to be officers from Crime Investigation Agency (CIA), they took the amount of Rs. 30,00,000/- and left with the male and female, who were accompanying Rahul Kumar. Rahul Kumar also managed to flee after some time and then the complainant realised that he had been duped of his money. By alleging that the petitioner and the co-accused had hatched a conspiracy to cheat and de-fraud him, he prayed for taking action in the matter. The petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of pre-arrest bail which was dismissed by the learned Additional Sessions Judge, Mohali vide



order dated 04.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is alleged to be the agent of the company with which the investment was to be made by the complainant. No specific role, however, has been attributed to him. No inducement had been made by him to the complainant. Neither he was present at the time when the alleged amount of money had been taken away from the complainant. There is delay of seventeen days in lodging of the FIR. The prosecution story is quite improbable and unnatural and it cannot be assumed that complainant handed over a sum of Rs. 30,00,000/- to some unknown persons. Co-accused Pawan Kumar has entered into a compromise with the complainant. An amount of Rs. 5,00,000/- has been given by him to the complainant and he has been extended benefit of bail. On parity, he too deserves to be given the same benefit. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned Assistant Advocate General, Punjab, who has advance notice of the petition and is ready to argue the matter. It is argued that the petitioner is master mind of the crime, as he along with his wife, co-accused Pawan Kumar and Rahul had hatched a conspiracy and in pursuance thereof, the complainant was induced to part with a sum of Rs. 30,00,000/- on the pretext of investing the said money with Overseas Company and fetching huge profit. The complainant in-conivance with the co-accused had planted fake CIA officials to facilitate the crime. At the time, when the money was



taken away from the complainant, the petitioner was in active touch with the co-accused. For eliciting the truth about the manner in which the offence was committing as well as for conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. No extraordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. As per the allegations, the petitioner by hatching a conspiracy with the co-accused had cheated the complainant for a sum of Rs. 30,00,000/- on the pretext of investing said amount in Overseas Company and then by getting that amount of money taken away when the complainant was going to give the same to the accused Pawan. The bag containing sum of Rs. 30,00,000/- was taken away by the wife of the present petitioner. The allegations against the petitioner are grave in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is also well settled that 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 extraordinary 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.



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

1st May, 2025

Parveen Sharma

1. <i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
2. <i>Whether reportable</i>	:	<i>Yes / No</i>