IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211 **CRM-M-24159-2025**

Date of decision: 28.08.2025

Gurdeep Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lakhwinder S. Sidhu, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

Mr. Abnash Singh, Advocate for the complainant.

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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.05 dated 29.01.2025, registered for the offences punishable under Sections 420 of IPC at Police Station Jaurkian, District Mansa.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Reena Kaur daughter of Major Singh, who alleges that she is B.Ed. qualified and she alongwith her friend namely Manjit Kaur were seeking government job. On 30.04.2024, Sandeep Kaur and her brother namely Gurdeep Singh (petitioner herein) visited the house of the complainant and promised her a job in Post Office whereas her friend namely Manjit Kaur was promised job as Staff Nurse and they raised a demand of ₹5,00,000/- each. Thereafter, the complainant and her friend initially paid a sum of ₹1,00,000 in cash (₹50,000 each) and subsequently

transferred various amounts to the HDFC Bank account (No. 50200093091444, Branch Joga) of accused Gurdeep Singh through ATM, Google Pay and cheque. It was alleged by the complainant that she had paid a total sum of ₹3,52,000/- whereas her friend namely Manjit Kaur paid ₹3,00,000/- in total. Thus, the total amount paid by both of them is ₹6,52,000/-. It was further alleged that the accused Gurdeep Singh (petitioner herein) even gave roll numbers to the complainant and her friend to appear in the examination but their names did not find mention in the result lists which raised an eyebrow of suspicion. Thereafter, despite repeated demands, the accused neither provided jobs nor returned the money. Instead, they abused and issued threats to the complainant and her friend. The complainant further alleged that the accused were connected with anti-social elements and thus, she apprehend danger to her life and property. Based on these set of allegations, instant FIR was registered against accused Sandeep Kaur and Gurdeep Singh (petitioner herein) for fraud, cheating, criminal breach of trust, threats and mental harassment.

3. Learned counsel for the petitioner has iterated that the allegations leveled in the FIR are false and concocted. Learned counsel has further iterated that the complainant and her friend had transferred amounts into the account of the petitioner not towards any promise of employment but for the purpose of investment in share and commodity trading. Due to continuous downtrend in the market, losses were suffered which has now been wrongly projected as a criminal offence. It has been further submitted that no cash transaction, alleged in the FIR, ever took place. The allegations, even if taken at face value, do not satisfy the essential ingredients which

attract the Sections under which the present FIR has been registered. Learned counsel has further submitted that the FIR is nothing but clearly an abuse of the criminal process as the civil transaction has been deliberately given a criminal colour to exert undue pressure upon the petitioner. Furthermore, the FIR does not disclose the commission of any cognizable offence. It has been emphatically argued by the learned counsel that the petitioner has never fabricated, forged or prepared any documents as alleged. The entire narrative in the FIR is concocted with the sole objective of pressurizing the petitioner financially. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution story is nothing but an abuse of process. It has been further submitted that there is no need for custodial interrogation of the petitioner as he is ready to join investigation and has no criminal antecedents. 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 these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. He has submitted that the allegations levelled in the FIR involving cheating, forgery and inducement which clearly attract the criminal proceedings. The contention of petitioner that the dispute is purely civil is misconceived and unsustainable. According to learned State counsel, the complainant and her friend were induced by the petitioner and his sister on the false pretext of securing government jobs and on that inducement, substantial amounts were paid through cash as well as

bank transactions. It is further submitted that the plea of investment in share market is a mere afterthought and concocted defence to evade criminal liability. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioner is necessary to ascertain the role of all accused persons and to recover the amount involved. He has further emphasized that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned counsel for the complainant has raised submission in tandem with the learned State counsel.

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

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* categorically records that the complainant and her friend were induced by the petitioner and her sister to part with huge amount of money on the pretext of securing employment in a government department. Such allegations, on the face of it, disclose the commission of cognizable offences of cheating, forgery and criminal conspiracy. The FIR contains detailed particulars of payments made in cash and through bank transactions, amounting to several lakhs. Furthermore, it is alleged that when the complainant and her friend demanded back their money, the petitioner and his sister abused and threatened them.

8. The defence projected by the petitioner that the amounts were for share market investment, cannot be accepted at this stage. Whether the transactions were commercial in nature or were obtained under inducement with dishonest intention, is a matter to be determined during investigation and trial and cannot be delved summarily at this stage. Moreover, this Court cannot brush aside the specific and consistent version of the complainant merely on the bald assertion of the petitioner.

It is trite law that repayment of money does not obliterate the offence of cheating once inducement and deception are *prima facie* established. The contention that the FIR is civil in nature cannot be accepted since the allegations clearly disclose criminality and involve public interest in preventing fraudulent recruitment scams. It is well-settled that anticipatory bail is an extraordinary remedy to be granted sparingly in exceptional cases where the Court is satisfied that the accused has been falsely implicated or that custodial interrogation is wholly unnecessary. The allegations herein are serious and specific, supported by documentary material, and grant of pre-arrest bail at this stage is likely to hamper investigation.

9. 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 stand of the State before this Court is that the custodial interrogation of the petitioner is indispensable for the purpose of effectively recovering the siphoned amount. The nature and gravity of the offence, involving defrauding the

complainant, 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 complainant and her friend.

10. 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."*

11. 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 is necessary for an effective investigation & to unravel the conspiracy coupled with the unexplained failure to refund or account for the earnest money.

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

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

(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

August 28, 2025
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No