2025:PHHC:092638

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.29822 of 2025
Date of Decision: 25.07.2025
Reserved on: 18.07.2025

Sukhpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vivek K.Thakur, Advocate,
for the petitioner.

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

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MANISHA BATRA, J.

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
94	08.04.2025	City Kapurthala, District Kapurthala	420 and 406 of IPC and 13 of Punjab Travel Professionals (Regulation) Act, 2014

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Ajay Mahajan alleging therein that the petitioner in connivance with his wife namely, Amandeep Kaur

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had duped him of an amount of Rs.5,50,000/- on the pretext of sending him abroad/Cyprus on work permit. He had given a written undertaking to return the double of the amount so paid in case of any cheating. The petitioner also handed over forged and fabricated visa slips and air tickets to the complainant. 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 Additional Sessions Judge, Kapurthala vide order dated 06.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is simply a taxi driver by profession and had never been involved in the business of travel agent. The complainant is a private money lender/financer. The petitioner had taken loan of a sum of Rs.3 lakhs from the complainant and two cheques had been given as a guarantee in lieu thereof to the complainant. He even returned an amount of Rs.2,80,000/- to the complainant. However, the complainant misused those two cheques and has initiated proceedings under Section 138 of the Negotiable Instruments Act. No case for commission of offences of cheating or criminal breach of trust has been made out against him. These offences are even otherwise antethesis to each other. There is unexplained delay of over one year in lodging of the FIR. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that he deserves to be extended benefit of pre arrest bail.

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2025:PHHC:092638

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious and specific allegations against the petitioner and his custodial interrogation is must for conducting investigation in the matter. No exceptional and extraordinary circumstance has been made out for grant of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have duped the complainant of a sum of Rs.5,50,000/- on the pretext of sending the complainant abroad. He is also alleged to have given false and fabricated visa slips and air tickets to the complainant. The cheques given by him to the complainant have been dishonoured. The allegations against him are specific in nature. For conducting thorough investigation and eliciting information as to the manner in which the subject offence had been committed, 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 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

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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, 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.

(MANISHA BATRA)
JUDGE

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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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