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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37756-2025
DECIDED ON: 18.07.2025

VEENU MALHOTRA AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Kirandeep Kaur, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS for grant of anticipatory bail to the petitioners in FIR No.11, dated 14.01.2025, under Sections 420, 120 IPC and Section 24 of Immigration Act registered at Police Station Model Town, District Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“It is hereby recorded that an application PGD NO 448679/449503 dated 09.10.2024 by Vishaldeep Singh S/O Hirdepal Singh resident of village Pandori Waraich, Amritsar against Amit Malhotra and Vinu Malhotra resident of Ishmeet Chownk Model Town Ludhiana and Karan Kumar resident of tenant at house no. 209-A Shastri Nagar Model Town Ludhiana under section 420 IPC and 24 Immigration Act has been received by post at Police



Station for registration of the case, the content of which is given as: - To, Hon'ble Commissioner of Police, District Ludhiana. Subject Application Against 1) Amit Malhotra 2) Vinu Malhotra resident of Ishmeet Singh Chownk, Model Town, Ludhiana, 3) Karan Kumar resident of 209 A, Shastri Nagar, Model Town Extension, Ludhiana for extorting money and cheating on the pretext of sending him abroad. Sir, I request that I, Vishaldeep Singh son of Mr. Hirdepal Singh resident of village Pandori Waraich, Amritsar, request you that: - 1) That I contacted Amit Malhotra and Vinu Malhotra at Globalway Immigration, B-Block Ranjit Avenue, Amritsar to go abroad, from whom I sought information about study visa. Who gave me information about study visa to send me abroad, and told me the cost of Rs. 15,00,000/- (in words Rupees Fifteen lakh) to England for applying for my study visa. Out of which these persons collected Rs. 10,00,000/- from me through transaction and cheque and they showed me an offer letter, which was fake. 2) That the above persons cheated me, 14 regarding which these persons are in the police custody of Police Station Model Town, Ludhiana for committing fraud. My case is also related to these persons, Rs. 1,07,86,000/- (Rupees one crore seven lakh eighty six thousand) cash was recovered from these accused who were caught in police custody. 3) That when I came to know about these persons, I identified them in the police station, and some persons talked to me in the police station to get the money back, then they agreed to return the amount to me within 3 months and in lieu of that they gave me cheque number 000372, when I deposited the cheque in the bank after 3 months, these cheques were dishonoured. That I have been wandering after these people for the last 2 years to get my money but these people are making me linger on by extending the contract for 3 months and are



further extending it more and more, due to which I am facing disappointment till now and my study time is also being wasted. Therefore, I strongly appeal to you to take strictest legal action against the said person under the pretext of sending me abroad and to return my money. It will be very kind of you.”

3. **Contentions**

On behalf of the petitioners

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case wherein the complainant has alleged to have been duped of Rs.10,00,000/- under the pretext of sending him abroad. He further submits that indeed the petitioners have not committed any such offence and there is no incriminating material to connect the petitioners with the alleged commissioning of offence. He undertakes on behalf of the petitioners that they are ready and willing to join the investigation.

Notice of motion.

On behalf of the respondent-State

On the asking of the Court, Mr. J.S. Rattu, DAG, Punjab accepts notice on behalf of the respondent-State. He vehemently opposes the prayer made in the instant petition on the ground that the petitioners have duped the complainant to the tune of Rs.10,00,000/- under the pretext of sending him to abroad. Additionally, he submits that the complainant was neither sent abroad nor the money in question was returned. Further, the petitioners are habitual offender, as they are involved in multiple cases of similar nature. Therefore, he submits that custodial interrogation of the petitioners is necessary.

4. I have heard learned counsel for the parties.



5. **Analysis**

In the present case, the receipt of the amount stands admitted, which is further substantiated by the fact that the petitioners attempted to return the said amount through a cheque, pursuant to an agreement/settlement reached with the complainant. However, it is also brought to the notice of this Court that the cheque was dishonoured. This fact has been candidly admitted before this Court by the learned counsel for the petitioners during the course of the hearing.

It has further come to light that the petitioners have engaged in deceiving innocent individuals by making false promises and thereby inducing them to part with their money. Such actions not only amount to cheating and misrepresentation but also point toward their involvement in illegal human trafficking activities. By luring individuals with the glamour of a better life in abroad, the petitioners are exploiting and transferring skilled youth, academicians, and professionals to other countries under false pretenses, thereby causing serious damage to the nation's human capital and heritage.

Moreover, the petitioners appear to be habitual offenders, as they are implicated in multiple criminal cases of similar nature. In several of these cases, they have been arrested and subsequently released on bail, showing a pattern of continued criminal conduct and disregard for the law.

The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.***' 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the



accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, 2023., is somewhat extraordinary in character and it is to be exercised in



exceptional cases. The Supreme Court in “*State vs. Anil Sharma*”; (1997) 7 SCC 187, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded 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 informations and also material 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 needs 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.”

6. **Decision**

In light of the discussions made hereinabove, this Court finds no justifiable ground to grant the relief sought, therefore, the same stands dismissed with no order as to costs.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the Trial Court is free to adjudicate upon the matter in accordance with law.

18.07.2025
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(SANDEEP MOUDGIL)
JUDGE

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