

CRM-M-33224-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Date of Decision 03.11.2025

(1) CRM-M-33224-2025 (O & M)

Nitasha Mittal Petitioner

V/s

State of Punjab ...Respondent

(2) CRM-M-37379-2025 (O & M)

Jimmy Mittal Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sukhwinder Singh Kainth, Advocate
for the petitioner(s) (in both the petitions).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Harlove Singh Rajput, Advocate with
Mr. Jashandeep Singh Bains, Advocate,
For the complainant.

JASJIT SINGH BEDI, J. (Oral)

CRM-26703-2025 in CRM-M-33224-2025

The application for placing on record the declaration for assets
furnished by the petitioner as Annexure P-10, is allowed as prayed for
subject to all just exceptions. The same is taken on record.

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CRM-M-33224-2025 and one connected matter

This order shall dispose of two criminal miscellaneous petitions i.e. CRM-M-33224-2025 and CRM-M-37379-2025 as they arise out of the same FIR.

2. The petitioner-Nitasha Jindal (in CRM-M-33224-2025) and the petitioner-Jimmy Mittal (in CRM-M-37379-2025) seek the grant of anticipatory bail under Section 482 of BNSS, 2023 in case bearing FIR No.90 dated 22.04.2025 under Sections 406, 420 and 120-B IPC registered at Police Station Civil Line Patiala, District Patiala.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-37379-2025.

4. As per the prosecution case, the petitioner-Jimmy Mittal (in CRM-M-37379-2025) and his wife-Meenu Mittal @ Nitasha Mittal (petitioner in CRM-M-33224-2025) alongwith their son-Akshit Mittal have duped the complainants for an amount of Rs.38,17,000/- on the pretext of sending them abroad.

5. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. In fact, the petitioner-Jimmy Mittal is a scrap dealer and had friendly relations with the complainants and their families. The complainants used to borrow money from him (Jimmy Mittal) and would return the same. However, on the last

occasion, the complainants and their families failed to return the borrowed

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money because of which the petitioner initiated proceedings under Section 138 of the Negotiable Instruments Act against the complainants and their families and the present FIR is a counter-blast to those proceedings. As the petitioners are ready and willing to join the investigation, they be granted the concession of anticipatory bail.

6. The learned counsel for the State, on the other hand, has filed an additional status report dated 29.10.2025 which is taken on record. While referring to the said report, he alongwith the counsel for the complainant contend that during the course of investigation, it has been found that the petitioner-Jimmy Mittal has received a sum of Rs.38,17,000/- i.e. Rs.19,02,000/- has been received in cash and a sum of Rs.19,15,000/- has been received in the bank accounts from the victims-Satinder Singh, Hardeep Singh and Kirat Singh. In fact, at the time when the complainants had given their documents to the petitioners for their visas, multiple signed documents including cheques had been given to the petitioners which have been misused to institute the proceedings under Section 138 of the Negotiable Instruments Act. The petitioner-Jimmy Mittal is an accused in three other cases of a similar nature arising out of FIR No.92 dated 21.08.2020 under Section 13 of the Punjab Travel Professional Regulations Act, 2014, Police Station Mullepur, District Fatehgarh Sahib, FIR No.254 dated 28.07.2021 under Sections 406, 420 IPC, Police Station Civil Lines, Patiala and FIR No.219 dated 30.12.2023 under Sections 406 and 420 IPC,



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Police Station Civil Lines, Patiala. As the offences stand *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioners is certainly required. Therefore, the present petition is liable to be dismissed.

7. I have heard the learned counsel for the parties.

8. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Livelaw (SC) 870***' has 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



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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.”

9. A perusal of the FIR would clearly reveal that both the petitioners received a total amount of Rs.38,17,000/- from the complainants to send them abroad. Rs.19,15,000/- has been received by Jimmy Mittal



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(petitioner in CRM-M-37379-2025) in his bank account from the accounts of the victims and Rs.19,02,000/- has been received by the petitioners in cash. The petitioner-Jimmy Mittal is an accused in three other cases of a similar nature and therefore, the defence of the petitioners that the present FIR is an outcome of the proceedings initiated by them under Section 138 of the Negotiable Instruments Act cannot be accepted. The offences stand *prima facie* established. Hence, the custodial interrogation of the petitioners is certainly required to take the investigation to its logical conclusion. Therefore, they are not entitled to the concession of anticipatory bail.

10. In view of the above, I find no merit in the present petitions and therefore, the same stand dismissed.

11. However, it is made clear that the observations made in this order are only for the purpose of deciding these bail applications and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

12. The pending application(s), if any, shall stand disposed of accordingly.

13. A photocopy of this order be placed on the file of the case (CRM-M-37379-2025) titled as ‘Jimmy Mittal versus State of Punjab’.

November 03, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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