IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205-1 **Date of decision: 01.09.2025**

(i) CRM-M-39346-2025

Saravjeet Singh @ Sarvjeet Singh @ Garry

....Petitioner

V/s

State of Haryana

....Respondent

(ii) CRM-M-42373-2025

Taranjeet Singh @ Tarun

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. GBS Dhillon, Advocate for the petitioner in CRM-M-39346-2025
Mr. Raman Sihag, Advocate for the petitioner in CRM-M-42373-2025.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

Mr. Rakesh Nehra, Senior Advocate with
Mr. Devesh Nehra, Advocate and
Mr. Rupender Singh, Advocate for the complainant.

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SUMEET GOEL, J. (Oral)

1. By this common order, the aforesaid two petitions are being disposed of together, as they emanate from a common FIR.

For brevity, the facts are being taken from CRM-M-39346-2025 titled as ***Saravjeet Singh @ Sarvjeet Singh @ Garry vs. State of Haryana.***

2. Present petition has been filed under Section 482 of the Bharatiya Nagrik Suraksha Sanihta (hereinafter to be referred as 'BNSS') for grant of anticipatory/pre-arrest bail to the petitioner(s) in

case bearing FIR No.265 dated 19.06.2025, registered for the offences punishable under Sections 406 and 420 of IPC at Police Station Chandimandir, District Panchkula.

3. The gravamen of the FIR pertains to an incident in which the complainant namely Malkiat Singh alleged that after a raid conducted by Enforcement Directorate (ED) on 23.01.2024 at his residence, he and his family were approached by one Tarun (PA to an MLA) (petitioner in CRM-M-42373-2025) and Garry (petitioner in CRM-M-39346-2025), who assured them that the ED proceedings would be dropped if they paid a sum of Rs.1.00 crore. Under pressure, the father, uncle and relatives of the complainant arranged the amount in two installments i.e. Rs.50.00 lacs handed over at village Kapuri near Ambala and another Rs.50.00 lacs delivered at Mohali. Subsequently, the complainant discovered that the accused Tarun and Garry (petitioners herein in both the petitions) had misappropriated the entire Rs.1.00 crore and had not paid anything to ED officials. Thereafter, the accused started demanding an additional amount of Rs.8.00 crores and threatened to have the family of the complainant arrested through ED and also issuing threats to their lives. On these allegations of fraud, cheating, criminal intimidation and criminal breach of trust, the FIR in question was registered and investigation ensued.

4. Learned counsel for the petitioner – Saravjeet Songh @ Sarvjeet Singh @ Garry has iterated that the instant FIR is nothing but a gross abuse of the process of law and has been lodged with an ulterior motive. Learned counsel has further iterated that the allegations are highly improbable and suffer from material contradictions as the alleged occurrence pertains to 23.01.2024 and 24.01.2024 whereas the FIR has been

registered only on 19.06.2025, after an unexplained and inordinate delay of about one and a half years. According to learned counsel, such belated registration of the FIR casts a serious doubt on the veracity of the allegations. Furthermore, the allegations levelled are vague and general in nature without any cogent or corroborative material against the petitioner. In fact, the complainant himself admits that the Enforcement Directorate (ED) did not recover any objectionable document(s) from his house thereby eliminating any occasion for the petitioner(s) to part with such a huge amount. Moreover, the gravamen of the complaint is against Kulwant Singh, MLA, in whose presence the alleged discussion regarding settlement was initiated and at whose instance his PA (co-accused) has approached. Surprisingly, despite such categorical allegations, the said MLA has not even been arrayed as an accused whereas the petitioner, who is mere a property dealer having no connection whatsoever with the MLA has been falsely implicated. It has further been urged that there is clear lack of territorial jurisdiction inasmuch as the alleged payments were purportedly made at Ambala and Mohali yet the FIR in question has been registered at Panchkula, where no part of the alleged occurrence has taken place. According to learned counsel, the only basis of the implication of the petitioner is at the behest of Jasmer Singh, the uncle of the complainant, with whom the petitioner has a monetary dispute. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars.

4.1. Learned counsel appearing for the petitioner – Taranjeet Singh @ Tarun has iterated that the present FIR is misconceived and unsustainable. Learned counsel has further iterated that the alleged incident pertains to 23.01.2024 and 24.01.2024, whereas the impugned FIR was registered belatedly on 19.06.2025, after an unexplained delay of one and half years which, by itself, renders the case of the prosecution doubtful. Learned counsel has further contended that the allegations against the petitioner are vague and bereft of any cogent evidence. In fact, the complainant himself admits that during the raid by the Enforcement Directorate (ED), no objectionable documents or material was recovered and, therefore, there could be no occasion for the petitioner to part with any money from the complainant. Learned counsel emphasized that the primary allegations, if at all, is against MLA Kulwant Singh, at whose behest the father and relative of the complainant allegedly approached his P.A. According to learned counsel, the said MLA has not even been arraigned as an accused while the petitioner, who is neither the P.A. nor the agent of the MLA has been falsely implicated into the FIR in question. Lastly, it has been submitted by the learned counsel that the petitioner is a social worker and has no connection with any alleged dealings of the MLA and has been falsely roped into the FIR in question. It is, thus, submitted by the learned counsel that the continuation of the proceedings against the petitioner would amount to sheer abuse of the process of law.

On the basis of aforementioned submissions, the grant of the petition(s) in hand is entreated for.

5. *Per contra,* learned State counsel has opposed the grant of anticipatory bail by arguing that the allegations raised against the petitioner(s) are serious in nature. Referring to reply dated 30.07.2025, learned State counsel has submitted that the FIR discloses the commission of serious offences involving criminal conspiracy, cheating and extortion of

huge sum i.e. Rs.1.00 crore, from the complainant and his family under the pretext of settling proceedings with the Enforcement Directorate. The role of both the petitioner(s), is specifically attributed in the FIR, wherein it is categorically stated that both the petitioner received Rs.50.00 lacs each on 23.01.2024 at village Kapuri (Ambala) and another Rs.50.00 lacs on 24.01.2024 at Mohali. These specific averments *prima facie* connect both the petitioners with the alleged fraud. It has been further submitted that the FIR discloses a cognizable offence and the investigation is necessary to bring out the truth. The plea of false implication raised by the petitioner(s) is a matter of defence which cannot be gone into at this stage. Given these circumstances, the custodial interrogation of the petitioner(s) is indispensable for a fair and effective investigation. Therefore, it is submitted that both the petitions are devoid of merit and is liable to be dismissed.

6. Learned senior counsel for the complainant has vociferously opposed the instant petition by raising submission in tandem with the State counsel. He has further contended that mere delay in lodging the FIR is not fatal at the stage of investigation especially when the allegations pertain to a transaction involving threats, coercion and pressure of ED proceedings. According to learned senior counsel, the offence alleged involves cheating, criminal breach of trust and extortion of a very high magnitude thereby warranting custodial interrogation of the petitioner(s). On these grounds, the dismissal of the instant petition is canvassed for.

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

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against both the petitioner(s). It emerges from the record that the FIR contains specific and direct allegations against both the petitioner(s) regarding the demand and receipt of substantial amount of money under the pretext of shielding the complainant from the ED proceedings. Whether such allegations are ultimately proved or not are a matter of trial and cannot be pre-judged at this stage.

9. The contentions regarding delay in lodging the FIR in registration of the FIR cannot be considered a ground for grant of anticipatory bail when the allegations involve large-scale monetary fraud coupled with threats and misuse of official influence. The omission to array the MLA as an accused also does not dilute the allegations specifically made against the petitioner(s). The plea of false implication raised by both the petitioner(s) is essentially a matter of defence and such disputed question(s) of fact cannot be adjudicated in a petition under Section 482 of BNSS. The allegations in the FIR are grave and serious in nature wherein both the petitioners are alleged to have dishonestly induced the family of the complainant to part with Rs.1.00 core in cash/bank transfer under the pretext of influencing ED proceedings. The allegations are specific with regard to dates, places and amounts. It is trite law that the anticipatory bail is an extraordinary relief and is not to be granted as a matter of right, particularly in cases involving serious economic offences and allegations of extortion.

10. The magnitude of the offence, the amount involved and the alleged threats extended to the complainant and his family necessitates a thorough investigation for which custodial interrogation of both the petitioners may be required. The role of both the petitioners cannot be

brushed aside at this preliminary stage. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner(s), as it would necessarily cause impediment in effective investigation. A profitable reference in this regard can be made to the judgment of the Hon'ble Supreme Court titled as ***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 informations 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."*

Considering the gravity of allegations, the nature of the offence and the requirement of investigation to elicit the truth, it is not appropriate to grant anticipatory bail to the petitioner(s) as it would necessarily cause impediment in effective investigation.

11. There is yet another aspect *nay* vital aspect of the matter which craves attention of this Court.

The FIR in question was registered on 19.06.2025 on the basis of a complaint made to the Police vide Diary No. 1215-PW dated

23.10.2024. The factual *milieu*, indubitably, reflects that the said complaint remained pending before the Police authority(s) for a period of about 08 months before culminating into FIR.

11.1 At this juncture, it would be apposite to refer herein to a judgment passed by Five Judge Bench of the Hon'ble Supreme Court in the case of ***Lalita Kumari vs. Govt. of U.P. and others***, ***2014(1) SCC (CRI) 524,*** relevant whereof reads thus:

> *"111. In view of the aforesaid discussion, we hold:*
>
> *i) Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.*
>
> *ii) If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.*
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> *iii) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.*
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> *iv) The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.*
>
> *v) The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.*
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> *vi) As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:*
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> *a) Matrimonial disputes/ family disputes*
>
> *b) Commercial offences*
>
> *c) Medical negligence cases*
>
> *d) Corruption cases*

e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

vii) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

viii) Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above."

Further, vide order dated 05.03.2014 passed by the Hon'ble Supreme Court, the above judgment dated 12.11.2013 was modified as follows:

"2. After hearing him and in the light of the grievance expressed in the present criminal miscellaneous petition filed in the writ petition, we modify clause (vii) of paragraph 111 of our judgment dated 12th November, 2013, in the following manner:

*"**(vii) While ensuring and protecting the rights for the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed fifteen days generally and in exceptional cases, by giving adequate reasons, six weeks time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry.""***

11.2 There is no gainsaying that the powers of the High Court under Section 528 of BNSS, 2023 are powers which are unbridled, unfettered and plenary in nature aimed at securing the ends of justice. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice *nay* substantial justice between the parties and to secure the ends of justice.

At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case of ***Sanjay Dubey vs. The State of Madhya Pradesh and another, 2023 AIR Supreme Court 3263***, relevant whereof reads thus:

> *"10. Having given the matter our anxious and thoughtful consideration, though the appellant may have a point that, stricto sensu, in a petition under Section 439 of the Code, the concerned Court ought not to travel beyond considering the specific issue viz. whether to grant bail or reject bail to an accused in custody, it cannot be lost sight of that the Court concerned herein was not a 'Court of Session' but the High Court for the State of Madhya Pradesh, established under Article 214 of the Constitution of India (hereinafter referred to as the "Constitution").*
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> *11. This singular fact, for reasons elaborated hereinafter, leads us to decline interfering with the Impugned Judgment, but for different reasons. We have no hesitation in stating that had the Impugned Judgment been rendered by a Court of Session, the factors that would have weighed with us would be starkly different.*
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> *12. A little digression is necessitated. The High Court is a Constitutional Court, possessing a wide repertoire of powers. The High Court has original, appellate and suo motu powers under Articles 226 and 227 of the Constitution. The powers under Articles 226 and 227 of the Constitution are meant for taking care of situations where the High Court feels that some direction(s)/order(s) are required in the interest of justice. Recently, in B S Hari Commandant v Union of India, 2023 SCC OnLine SC 413, the present coram had the occasion to hold as under:*
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> > *"50. Article 226 of the Constitution is a succour to remedy injustice, and any limit on exercise of such power, is only self-imposed. Gainful refer- ence can be made to, amongst others, A V Venkateswaran v. Ramchand Sobhraj Wadhwani, (1962) 1 SCR 573 and U P State Sugar Corporation Ltd. v. Kamal Swaroop Tandon, (2008) 2 SCC 41. The High Courts, under the Constitutional scheme, are endowed with the ability to issue prerogative writs to safeguard rights of citizens. For ex- actly this reason, this Court has never laid down any strait-jacket principles that can be said to have "cribbed, cabined and confined" [to borrow the term employed by the Hon. Bhagwati, J. (as he then was) in E P Royappa v. State of Tamil Nadu, (1974) 4 SCC 3 : AIR*

1974 SC 555] the extraordinary powers vested under Articles 226 or 227 of the Constitution. Adjudged on the anvil of Nawab Shaqafath Ali Khan (supra), this was a fit case for the High Court to have examined the matter threadbare, more so, when it did not involve navigating a factual minefield.")

13. Returning to the present case, though usually the proper course of action of the High Court ought to have been to confine itself to the acceptance/rejection of the prayer for bail made by the accused under Section 439 of the Code; however the High Court, being satisfied that there were, in its opinion, grave lapses on the part of the police/investigative machinery, which may have fatal consequences on the justice delivery system, could not have simply shut its eyes."

11.3 The *hiatus* of about 08 months, which appears to be in clear violation and derogation of the mandate of law, has been sought to be explained by way of an affidavit dated 30.07.2025. There appears to be no explanation *nay* plausible explanation forthcoming for this inordinate delay. The conduct appears to reflect stolid *nay* recalcitrant one. By way of an affidavit dated 23.08.2025 filed by Smt. Srishti Gupta, IPS, DCP, Panchkula, the details of Police Officers who have dealt with the complaint before the registration of the FIR, for this period of 08 months, reads thus:

"

Sr. No.	*Rank*	*Official/Officer Name*	*Period of posting between 23.10.2024 to 19.06.2025*
1.	*SI*	*Sh. Parkash Chand (Enquiry Officer)*	*23.10.2024 to 19.06.2025*
2.	*Insp.*	*Sh. Kamaljeet Singh (Incharge EOW)*	*23.10.2024 to 02.06.2025*
3.	*Insp.*	*Sh. Hitender Singh (Incharge EOW)*	*02.06.2025 to 19.06.2025*
4.	*ACP*	*Sh. Manpreet Singh, IPS (Supervisory Officer of EOW)*	*23.10.23024 to 18.02.2025*
5.	*ACP*	*Sh. Vikram Nehra, HPS (Supervisory Officer of EOW)*	*18.02.2025 to 01.04.2025* *03.05.2025 to 19.06.2025*
6.	*ACP*	*Sh. Surender Singh, HPS (Supervisory Officer of EOW being link officer of*	*02.04.2025 to 02.05.2025*

		Sh. Vikram Nehra as he went on training on 01.04.2025)	
7.	*DCP*	*Ms. Himadree Kaushik, IPS*	*23.10.2024 to 03.06.2025*
8.	*DCP*	*Ms. Srishti Gupta, IPS*	*04.06.2025 to 19.06.2025*
9.	*CP*	*Sh. Sibash Kabiraj, IPS, IGP Ambala Range (Addl. Charge of CP, Panchkula)*	*23.10.2024 to 01.11.2024*
10.	*CP*	*Sh. Rakesh Kumar Arya, IPS*	*01.11.2024 to 23.04.2025*
11.	*CP*	*Sh. Sibash Kabiraj, IPS*	*23.04.2025 to 19.06.2025*

Further, a perusal of the affidavit dated 23.08.2025 (*ibid)* reflects that all police officers, other than Smt. Srishti Gupta, had dealt with the complaint for multiple weeks. Smt. Srishti Gupta, came to be posted as DCP Panchkula on 04.06.2025 whereas the FIR in question was registered on 19.06.2025. Her working and conduct does reflect *legit*, especially, when viewed in background of her coming to be posted as DCP (Panchkula) on 04.06.2025 only whereas the complaint in question was pending with Police authority(s) since 23.10.2024 and FIR was registered on 19.06.2025. *Ergo,* it appears that there is presence of bona fide at her end. However, no plausible cause is decipherable, for the *nonce,* at the end of other concerned police officers from the material presently brought forth before this Court. This Court also cannot loose sight of the fact that no opportunity, in terms of principles of natural justice especially principle of *audi alteram partem,* has yet been afforded to the concerned police officers.

In the totality of the factual *milieu* of the case in hand, this Court cannot turn Nelson's eye to the malady of complaint remaining pending with the police officers for an inordinate time period of about 08 months, especially in backdrop of judgment of the Hon'ble Supreme Court in case of ***Lalita Kumari*** (supra) and statutory mandate contained in BNSS, especially Section 175 thereof. However, in the totality of factual *milieu* of the instant case, this Court does not deem it appropriate to delve into this matter, in the instant petition.

3. In view of the prevenient ratiocination, it is ordained thus:

I. Both the petitions seeking anticipatory bail are, thus, devoid of merits and are hereby dismissed. Nothing said hereinabove shall be deemed to be an expression of opinion upon the merits of the case/investigation. Pending application(s), if any, shall also stand disposed of.

II. Proceedings need to be drawn against the police officers referred to in paragraph 12.3 *ibid*, other than Smt. Shrishti Gupta (presently posted as DCP, Panchkula), especially in backdrop of the statutory mandate contained in Section 175 of BNSS & judgment of the Hon’ble Supreme Court in case of ***Lalita Kumari vs. Govt. of U.P. and others*, *2014(1) SCC (CRI) 524.*** Registry is directed to register a separate petition in this regard and list the same accordingly, after obtaining appropriate orders from Hon’ble the Chief Justice.

(SUMEET GOEL)
JUDGE

September 01, 2025
Ajay

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