

2025:PHHC:159406



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-39750-2025 (O&M)

Reserved on : 06.11.2025

Pronounced on : 18.11.2025

Makhan Singh Sidhu @ Makhan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. K. S. Phoolka, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

None for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory
bail to the petitioner in FIR No. 49 dated 17.07.2023, registered under Section
420 and 120-B of IPC at Police Station City Raikot, Ludhiana.

2. The aforementioned FIR was registered on the basis of a
complaint submitted by complainant Navjot Singh alleging that he had been
induced by the petitioner and co-accused Germandeep Singh and Lakhveer
Singh to part with a sum of Rs. 9 Lakhs on the premise of sending him to
Canada within a period of three months. However, after receipt of that amount
of money, they did not send him anywhere and instead started making excuses
and had been putting him off for the last one year. Realizing that he had been
cheated by them, the complainant prayed for taking action in the matter. After

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registration of the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana but the same had been dismissed, vide order dated 15.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was only an employee in A. K. Immigration and Service Centre. Accused Germandeep Singh was its proprietor, who used to handle all the transactions exclusively. All the money dealing used to take place with him only. The petitioner had no concern with such transactions. Rather, accused Germandeep Singh had taken a blank signed cheque from him for security purpose and had misused the same. The dispute is of civil nature, which has been given criminal colour. There is delay in lodging the FIR, which as not been explained. He is not a beneficiary of any transaction. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who was a travel agent and who along with co-accused had duped the complainant of his money. On exerting pressure by the complainant, the petitioner had issued and handed over a cheque for an amount of Rs.4.5 Lakhs in favour of the complainant, which had been dishonoured due to insufficient funds, which shows that the petitioner admitted his complicity in the crime and the fact that he had to pay money to the complainant. The petitioner is a

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habitual offender being involved in 06 other cases of similar nature. No exceptional or extraordinary case has been made out in favour of the petitioner for grant of anticipatory bail. Recovery of money received from the complainant has to be effected from him. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the submissions made by the parties.

6. The petitioner along with co-accused is alleged to have cheated the complainant by inducing him to part with a sum of Rs. 9 Lakhs on the pretext of sending him to Canada. The said amount of money was usurped by the petitioner and co-accused. He is said to have issued a cheque for a sum of Rs.4.5 Lakhs in favour of the complainant but the same had been dishonoured, thereby showing criminal intent of the petitioner. The allegations prima facie show the complicity of the petitioner in the crime. For the purpose of ascertaining the exact role played by the petitioner and for conducting deeper and thorough probe, his custodial interrogation is required. Even otherwise, no sparing or extraordinary circumstance has been made out in his favour for grant of anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented

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than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, this Court is of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

18.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No