**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-44055-2025
Date of decision: 11.09.2025

Sandeep Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

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AARADHNA SAWHNEY, J.(ORAL)

1. This order shall dispose of present petition for grant of anticipatory bail filed by the petitioner, an accused in case FIR No.118 dated 23.09.2023, registered against him and others, for commission of offences punishable under Sections 420, 506, 120-B IPC, at Police Station Khilchian, Amritsar Rural, District Amritsar.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Criminal proceedings in the present case were initiated against present petitioner and 2 others namely Dilbagh Singh (since been declared Proclaimed Offender), son of Mahinder Singh and Jagdish Dehru, son of Dharam Pal, who as per complainant portrayed themselves to be the Directors of newly formed company namely 'Royal Dream Land Company' registered with the Government of India and assured him that the company is engaged in building new township in different areas of the country, many people have already invested their money and that if he also invests some amount, he would get good returns. Complainant also pointed out that petitioner and 2 other accused also cited example of one Narinder Singh, son of Jagdish Singh Sidhu, who as per them had made a profit of Rs.3 lakhs in a short span. Thus, they lured him to invest his hard-earned money, assuring that the invested money would increase many folds in a short span of time. As per complainant, in all he invested Rs.20 lakhs (Rs.2 lakhs were given as advance, Rs.10 lakhs were transferred through RTGS in the account of Royal Dream Land Company etc.). Complainant alleged that to gain his trust Rs.1,50,000/- were returned to him. At the same time, he was again lured to invest more money. A month thereafter, when he questioned the petitioner and others about the returns on his invested money, they stopped attending to his calls. Complainant specifically alleged that one police official, by the name of Jagdish Singh, son of Jaswant Singh, is also involved in this racket. Primarily with this backdrop, he requested the police officials to catch hold of all those who are involved in committing a calculated fraud on him and all those investors similarly placed as him, to initiate appropriate proceedings against them, as also to recover his hard-earned money. On the basis of said complaint, a formal case vide FIR No.118 dated 23.09.2023 under Sections 420, 506, 120-B IPC, at Police Station Khilchian, Amritsar Rural, District Amritsar, was registered.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the Additional Sessions Judge, Amritsar, which was dismissed vide order dated 11.02.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel submits that petitioner has been falsely implicated in the present case, he never allured complainant to invest money,

no active role has been assigned to him in the entire incident, neither he received any money in his account nor any cash was ever handed to him. Continuing further, learned counsel submits that though the alleged incident occurred in March 2022, but the fact that the FIR was lodged after an unexplained delay of one year and 6 months, raises question mark on the genuineness of the story put forth by complainant. This intervening period, as per learned counsel, was misused by complainant to concoct facts. Further, as per learned counsel, petitioner is running an investment consultancy firm, complainant accompanied by Jagdish Singh and co-accused Dilbagh Singh, had approached him (petitioner) for investment of USDT Crypto Currency, against which the payment was received. Petitioner has also been paying taxes on earnings earned through business of Crypto Currency. Towards the end, learned counsel sums up his submissions by urging that the presence of petitioner is not needed for custodial interrogation as nothing is to be recovered from him, he be granted the concession of anticipatory bail, moreover he is ready and willing to join the investigation as and when required by the Investigating Officer.

5. In the status report filed by way of an affidavit of Mr. Arun Sharma, PPS, Deputy Superintendent of Police, Sub-Division, Baba Bakala Sahib, Amritsar (Rural), the role of petitioner has been highlighted in para 5. It has been pointed out that investigation conducted till date reveal that an account bearing No.10059054012 in the name of Royal Dream Land Company was opened in IDFC Fast Bank at Jodhpur. It further came to the notice of the investigating agency that the account was opened with the Adhaar Card and PAN Card of petitioner, who had introduced himself and had signed as proprietor of Royal Dream Land Company. Further the

allegations of complainant that Rs.10 lakhs had been transferred by him through RTGS in the account of the above company on 11.04.2022 were also found to be true. Out of total of Rs.20 lakhs only Rs.1,50,500/- were returned to complainant.

Learned State counsel has opposed the petition on the ground that petitioner and other accused, lured complainant to invest money in Royal Dream Land Company on the assurance that he would get good returns but did not fulfill their promise. In fact, the substantial money was deposited by complainant in the account of the company, which as has been noted above was opened on the Adhaar Card and PAN Card of the petitioner. Learned State counsel further submits that in the light of the role played by the petitioner, his custodial interrogation is needed to recover the money of the complainant, as also to find out as to who all were involved in this racket, what was the Modus Operandi used by them and how many innocent persons have been duped of their hard-earned money.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

In ***Serious Fraud Investigation Office vs. Aditya Sarda, 2025 AIR SC 2431***, Hon'ble Supreme Court, has held as under:-

> *"18. Now, so far as anticipatory bail is concerned, this Court has consistently emphasized that anticipatory bail should not be granted as a matter of routine, particularly in serious economic*

offences, involving large scale fraud, public money or complex financial crimes. In P. Chidambaram vs. Directorate of Enforcement, (2019) 9 SCC 24 it was observed as under: -"

"Grant of anticipatory bail in exceptional cases

69. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised 2 (2019) 9 SCC 24 sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. 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 the applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail….

70. ……………………………….

71. Article 21 of the Constitution of India states that no person shall be deprived of his life or personal liberty except according to procedure prescribed by law. However, the power conferred by Article 21 of the Constitution of India is not unfettered and is qualified by the later part of the Article i.e. "…except according to a procedure prescribed by law". In State of M.P. v. Ram KishnaBalothia [State of M.P. v. Ram Kishna Balothia, (1995) 3 SCC 221: 1995 SCC (Cri) 439] , the Supreme Court held that the right of anticipatory bail is not a part of Article 21 of the Constitution of India and held as under: (SCC p. 226, para 7) "7. … We find it difficult to accept the contention that Section 438 of the Code of Criminal Procedure is an integral part of Article 21. In the first place, there was no provision similar to Section 438 in the old Criminal Procedure Code. The Law Commission in its 41st Report recommended introduction *of a provision for grant of anticipatory bail. It observed: 'We agree that this would be a useful advantage. Though we must add that it is in very exceptional cases that such power should be exercised.' In the light of this recommendation, Section 438 was incorporated, for the first time, in the Criminal Procedure Code of 1973. Looking to the cautious recommendation of the Law Commission, the power to grant anticipatory bail is conferred only on a Court of Session or the High Court. Also, anticipatory bail cannot be granted as a matter of right. It is essentially a statutory right conferred long after the coming into force of the Constitution. It cannot be considered as an essential ingredient of Article 21 of the Constitution. And its non-application to a certain special category of offences cannot be considered as violative of Article 21.*

(emphasis supplied)

72. We are conscious of the fact that the legislative intent behind the introduction of Section 438 CrPC is to safeguard the individual's personal liberty and to protect him from the possibility of being humiliated and from being subjected to unnecessary police custody. However, the court must also keep in view that a criminal offence is not just an offence against an individual, rather the larger societal interest is at stake. Therefore, a delicate balance is required to be established between the two rights—safeguarding the personal liberty of an individual and the societal interest. It cannot be said that refusal to grant anticipatory bail would amount to denial of the rights conferred upon the appellant under Article 21 of the Constitution of India.

73. to 76………………………………

77. After referring to Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, *(2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468] , the Supreme Court held as under: (SCC p. 386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (See D.K.Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434: (2007) 2 SCC (Cri) 345], State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213: (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305: (2009) 1 SCC (Cri) 1].)"

8. Reverting back to the case in hand, facts leading to the registration of the FIR have already been noted in para 2 of the order. As has been pointed out in the status report that account No. 10059054012 of 'Royal Dream Land Company' was opened in IDFC Fast Bank at Jodhpur with Adhaar Card and PAN Card of the petitioner, who at that point in time had introduced himself as proprietor of the company. Investigation further revealed that substantial money was deposited in the account of the company. Out of Rs.20 lakhs, only Rs.1,50,500/- were returned to complainant. The plea of the petitioner that he is running an investment consultancy firm and had got Rs.10 lakhs invested in Crypto Currency

remains unsubstantiated in the absence of any documents on record. The fact that petitioner did not join the investigations despite receiving notices and was subsequently declared Proclaimed Offender, further raises question mark on his conduct and the genuineness of the story put forth by him.

Considering that petitioner is the only authorized person to operate the account of Royal Dream Land Company, which was opened with his Adhaar Card and PAN Card, as also that substantial money of the complainant and other similarly situated person namely Narinder Singh, who had also been cheated by petitioner and others, was deposited in the aforesaid account, the Court is of the opinion that presence of petitioner is needed for custodial interrogation to find the whereabouts of the other accused, who has not been arrested till date, to recover the money of the complainant, as also to find out about the intricacies of the case. Petitioner has, thus, not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

11.09.2025
Hemant

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