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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.44695 of 2025
Date of decision: 11.11.2025

Nirmal Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kulwinder Bhargav, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. A.S. Brar, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
25	27.02.2024	Badhni Kalan, District Moga	420, 465, 467, 468, 471, 506 and 120-B of IPC

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2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that the petitioner along with the co-accused in connivance with each other had induced the complainant Harbhagwan Singh to part with an amount of Rs.20 lakhs on the premise of getting his loan account with State Bank of India, Jagraon, settled/closed. They handed over a forged and fabricated clearance certificate to the complainant representing that his loan account had been closed. Having realized that wrongful loss of money had been caused to him by the petitioner and the co-accused, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The accused Jagwant Singh was arrested on 08.06.2024. Investigation qua him stands completed and challan has been presented against him. The present petitioner could not be apprehended. He moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Moga vide order dated 15.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case only because of the fact that he is father of co-accused Harbant Singh and Jagwant Singh. No specific act has been attributed to him. There is delay of four years in lodging of the FIR which stands unexplained. He was not beneficiary of any transaction.

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No money was transferred in his bank account at any point of time. The complainant failed to give the details of arranging huge amount of Rs.9.60 lakhs which was allegedly given to the petitioner and co-accused Jagwant Singh. No recovery is to be effected from him. His custodial interrogation is not required. The subject offences are triable by Magistrate. The dispute is civil in nature which has been given a criminal colour. He has clean antecedents. It is, therefore, urged that he deserves to be extended benefit of anticipatory bail.

4. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature as he hatched a conspiracy with the co-accused to cause wrongful loss of money to the complainant and in pursuance of that conspiracy, an amount of Rs.20 lakhs was usurped from the complainant. Non bailable warrants of arrest have been issued against the petitioner. No exceptional and extraordinary circumstance for grant of pre arrest bail has been made out in his favour. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with co-accused is alleged to have induced the complainant to part with a sum of Rs.20 lakhs by representing that the loan amount as taken by him from State Bank of

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India, Jagraon Branch would be closed on payment of the said amount. An amount of Rs.9.60 lakhs was given by the complainant to him as per the allegations. The aforementioned amount was, however, allegedly usurped by the petitioner along with the co-accused, two of whom are his own sons. The petitioner and the co-accused are also alleged to have committed the offence of forgery by preparing a forged clearance certificate purported to be issued by the banker of the complainant by showing the same to be genuine one. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter and for ascertaining the exact part played by him in the subject crime, his custodial interrogation is required. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.11.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No