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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.45165 of 2025
Date of decision: 18.11.2025

Gursewak Singh ... Petitioner
Vs.
State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rahul Garg, Advocate,
for the petitioner.

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

Mr. Bhisham Kinger, 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
0066	01.07.2025	Longowal, District Sangrur, Punjab	318(4) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint jointly submitted by complainant Sukhpal Singh and his wife Veerpal Kaur alleging that they came into contact with one female

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Tantrik Harpreet Kaur. Their son Narinder Singh had been nominated as an accused in a criminal case and they disclosed about this fact to the above named Harpreet Kaur who told them that she knew the petitioner who was a political affluent person and who could help them in getting the name of their son removed from the criminal case. Harpreet Kaur arranged their meeting with the petitioner who assured to get their work done and demanded a sum of Rs.2.5 lakhs for that purpose. On being induced by the petitioner and Harpreet Kaur, they initially gave an amount of Rs.2,65,000/- to the petitioner who visited the concerned Police Station in their presence and then represented to the complainant and his wife Veerpal Kaur that their work was done. Thereafter, the petitioner and Harpreet Kaur demanded amount of Rs.1,50,000/- from them which too was given. The petitioner also induced the complainant to part with a sum of Rs.5 lakhs on the premise that they would get their son recruited in Railway police. In this manner, the petitioner took an amount of about Rs.10 lakhs from them but neither their son was exonerated from the criminal case nor their son was recruited as promised. By alleging that they had been cheated by the petitioner, they prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned

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Additional Sessions Judge, Sangrur vide order dated 12.08.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute between the parties is of a monetary transaction which is civil in nature and has been given a criminal colour. The petitioner did not receive any amount of money from the victims. He never assured them to get any work done. There is no documentary proof with regard to giving any money to the petitioner by the victims. The subject offence is triable by Magistrate. The ingredients for commission of offence of cheating are not attracted in this case. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that he deserves to be extended benefit of anticipatory bail.

5. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner who on the pretext of getting the name of son of the complainant removed from a criminal case and further on the premise of providing a Government job to their son, had caused wrongful loss to the tune of Rs.9,95,000/- by taking the same from them. There are exchanges of calls between the victim Sukhpal Singh and the petitioner. Even Whatsapp chats had been made between them. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. It is, therefore, urged that the

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petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have duped the complainant of approximately an amount of Rs.9,95,000/- on the pretext of getting their son exonerated from some FIR and on the premise of providing a Government job for their son. There might not be some documentary proof qua handing over money to the petitioner, however, calls have been exchanged between the petitioner and the complainant Sukhpal Singh. A deeper probe is required to be conducted in the matter and for that purpose as well as for eliciting information as to the manner in which the crime was committed, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. 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 applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. 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

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cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

18.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No