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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49746-2025 (O&M)

Date of decision : 23.12.2025

RESHAM SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mrs. Kanwal S. Walia, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

Mr. G.S. Thind, Advocate for the complainant

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of anticipatory bail in case arising out of FIR No.96 dated 18.06.2025 registered under Sections 316(2), 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS") registered at Police Station Sadar, District Patiala.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant-Gurbaj Singh alleging that an amount of Rs.10 lakhs was given by him vide a cheque to Harbhajan Singh and his wife Sarabjit Kaur on 02.08.2024. An agreement was executed between the complainant and the aforementioned persons whereby they had promised to pay an amount of Rs.1 lakh every month



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alongwith interest @ 10% for six months to the complainant and had agreed to return the aforementioned amount of Rs.10 lakhs in the 7th month. The petitioner who was promoter as well as Executive Assistant of the accused Harbhajan Singh, had signed the agreement which was prepared on a stamp paper and had handed over the same to him. On 28.10.2024, the accused-Harbhajan Singh and Sarabjit Kaur gave a cheque for a sum of Rs.90,000/- to the complainant but the same was dishonoured and two other cheques were given on 20.12.2024 and 23.12.2024 which were also not cleared and the amount had not been released. By alleging that the complainant was cheated at the hands of the above named accused in connivance with the petitioner and huge financial loss was caused to him, he prayed for taking action in the matter.

3. On receipt of the complaint from the complainant, an inquiry was conducted and an officer of rank of DSP, Economic Offences Wing (EOW), Patiala was appointed as per the instructions of SSP, Patiala. It was revealed that the petitioner in connivance with the co-accused had formed a company in the name of Asia Traders and used to allure public persons of getting lucrative profit on investment of money in their company and had induced the complainant to invest a sum of Rs.10 lakhs on the same pretext. The said amount of money was usurped by the petitioner and the co-accused thereby causing wrongful loss to him with intent to cheat him. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has



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been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 17.07.2025.

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 civil nature. He had joined investigation, in pursuance of interim order passed by the Court of Learned Additional Sessions Judge, Patiala. His petition was dismissed only on the ground that he had not cooperated with the investigating agency. He is ready to join further investigation. His custodial interrogation is not required. No recovery is to be effected from him. The amount of Rs.10 lakhs had been given by the complainant and his wife on account of purchase of honey from the petitioner. It was the complainant and his wife, who had allured the petitioner on the pretext of expanding his business on larger scale and had made him sign one blank paper. He alongwith his wife had forged an agreement in his favour by showing the transaction of Rs.10 lakhs to be that of earnest money given to the daughter of the petitioner. 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 the petition deserves to be allowed.

5. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are serious and specific allegations against the petitioner who had induced the complainant to part with a sum of Rs.10 lakhs on the pretext of returning the same alongwith lucrative interest but had not returned the same. The cheque for the aforementioned amount as given by the co-



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accused had not been cleared and to avoid his liability, the petitioner had dishonoured the cheque. For thorough and proper investigation in the matter, custodial interrogation of the petitioner is required. No exceptional or extra-ordinary circumstance for grant of bail has been made out. It is, hence, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for both the parties at considerable length.

7. The co-accused in connivance with the petitioner are alleged to have induced the complainant to part with a sum of Rs.10 lakhs on the assurance that they would return the same and had taken this amount as a loan amount but failed to return the same. The petitioner while representing himself to be promoter/Executive Assistant of co-accused, had executed an agreement in favour of the complainant for inducing him. The allegations against the petitioner are specific and serious in nature. The case is still at its nascent stage. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is required. In case custodial interrogation of the petitioner is denied, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. It is also well settled that 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



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the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)
JUDGE**

**23.12.2025
Amit Sharma**

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