IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104 **CRM-M-53798-2025**

Date of decision: 23.09.2025

Maninder Singh ....Petitioner

V/s

State of Punjab ....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Dixit Garg, Advocate for the petitioner (through Video Conference)

Mr. Amit Goyal, Additional Advocate General, Punjab.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.0077 dated 23.05.2025, registered for the offences punishable under Section 420 of IPC at Police Station Saadar Amritsar, District Police Commissionerate, Amritsar.

2. The genesis of the FIR arises from the statement of complainant Jarnail Singh, who alleged that during the COVID period, he performed volunteer duty at Police Station Sadar, Amritsar, where he came in contact with PC Maninder Singh (petitioner herein), who is currently serving at Harmandir Sahib. As per complainant, he served for around 08 months and during which he submitted a form for the appointment of his son namely Manpreet Singh in the Punjab Railways. In this regard, the complainant alleged that the accused Maninder Singh (petitioner herein) assured him that he could arrange the job but demanded a sum of Rs.5,00,000/-. Subsequently, the accused Maninder Singh arranged for the

medical examination of the son of the complainant at Guru Nanak Hospital and also took the complainant and his son to the Home Guard Officer, Chandigarh for joining; however, the application could not be traced there. Thereafter, the aforesaid accused took them to Jalandhar where the complainant found the application bearing the signature of one Shashipal. At that time, the son of the complainant was provided with a uniform belt (No.3046), shoes and a badge. Subsequently, the accused Maninder Singh demanded an additional sum of Rs.1,50,000/- from the complainant, claiming that he had arranged the appointment of his son as Head Constable. As per the complainant, he paid the accused Maninder Singh total sum of Rs.5,48,400/-. The money was mostly transferred to his bank account while Rs.5200/- for medical expenses and Rs.1750/- for the ID card were paid in cash. It was further alleged by the complainant that after receiving the aforesaid amount, the accused Maninder Singh neither arranged for the appointment of his son as Head Constable nor returned the money. Upon visiting the address which was given by the accused Maninder Singh, the complainant found that he did not reside in village Shankarkala, as claimed, but is staying at his in-laws house in Khairabad, Airport Road. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the present case and no offence as alleged is made out against him. Learned counsel has further iterated that the even if the contents of the FIR are taken on their face value, the allegations at best give rise to a civil dispute with respect to recovery of money which has been given a criminal colour. Learned counsel has further submitted that the FIR does not specify any particular date or year regarding

the alleged payments which show the *mala fide* intention of the complainant. According to learned counsel, the petitioner was never associated with the investigation nor summoned prior to registration of the case which demonstrates that the FIR has been registered without due inquiry. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that the petitioner, in active connivance with others, dishonestly induced the complainant to part with a sum of more than Rs.5.00 lacs on the false pretext of securing a government job for his son. According to learned State counsel, the *modus operandi* adopted by the petitioner including arranging a medical examination, taking the complainant to different offices and providing uniform belt and badge demonstrates a calculated and deliberate conspiracy to cheat. It has been further submitted that the custodial interrogation of the petitioner is necessary for unearthing the larger conspiracy, tracing the flow of the

cheated money and identifying other possible victims. He has emphasized that granting anticipatory bail at this stage would hamper the investigation and may enable the petitioner to tamper with the evidence or influence witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* reflects that the petitioner induced the complainant to pay a substantial amount of money on the promise of securing employment for his son. The investigation has revealed that the petitioner in connivance with others, conducted a medical examination of the son of the complainant and issued uniform and identity card, which *prima facie* indicate a deliberate attempt to misrepresent facts and to cheat. The material which has come on record discloses that the allegations against the petitioner are not vague or general but are specific, supported by details of payments. The contention that the dispute is merely civil in nature does not hold merit. When deception and dishonest inducement form the foundation of a transaction, the offence squarely falls within the ambit of Section 420 of IPC. At the stage of considering the plea of anticipatory bail, the Court is not required to conduct a meticulous examination of evidence but only to assess whether a prima facie case is made out or not. The defence projected by the petitioner that there is no mention of the specific dates of payment, is a matter of evidence, which can be examined during the course of trial and the same does not dilute the seriousness of the allegations at this stage. The offence alleged is

of a serious nature, involving substantial financial loss to the complainant as well as inducement and cheating.

7. The offence in question does not merely involve financial deceit but the manner in which the same is alleged to have been committed is not only grave in nature but also have far-reaching consequences for the general public. Cases of this nature, where vulnerable young individuals are lured with false promises of providing Government jobs and are subsequently subjected to exploitation, fall within the ambit of inducement and cheating and merit strict judicial scrutiny and deterrence. The Courts must remain vigilant and ensure that such rackets are not emboldened by leniency at the pre-trial stage. The Court cannot overlook the broader public interest involved in cases of securing employment and were induced to pay a substantial amount of money for the same. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. A perusal of the FIR reveals that the allegations against the petitioner are grave and serious in nature who defrauded the complainant of a substantial amount under the false pretext of securing a government job for his son. The seriousness of the allegations, the quantum of money involved and the manner in which the offence is alleged to have been committed warrant thorough investigation. Therefore, individuals involved in such organized deceit must be dealt with firmly and in accordance with the law, leaving no room for leniency.

9. The discretionary relief of anticipatory bail is to be granted in exceptional circumstances where the Court is satisfied that the petitioner has been falsely implicated or that no custodial interrogation is required. In the present case, the allegations are grave the investigation is at a crucial stage.

Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for recovery of the cheated amount, identification of other co-accused and to ascertain the depth of the conspiracy. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner alongwith co-accused has defrauded him of a substantial amount under the false pretext of securing employment for his son which caused severe financial and emotional distress.

10. Furthermore, it is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In **State *v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

> *"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under* Section 438 *of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the*

suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

11. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. In view of the foregoing and considering the seriousness of the allegations, the magnitude of financial loss and the ongoing nature of investigation; this Court is of the considered opinion that the petitioner has failed to make out a case for the grant of anticipatory bail. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation into a case of cheating of such magnitude.

12. In view of the prevenient ratiocination, it is directed as under:

(i) The petition in hand is dismissed being devoid of any merits.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2025
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No