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

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Date of Decision: 17.11.2025

Atul Mittal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Varun Garg, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.269 dated 05.12.2024 registered under Sections 406 and 420 of IPC, at Police Station Kotwali, District Patiala.

2. Brief facts as per the prosecution case are that the petitioner allegedly duped the complainant of a sum of Rs.10 lakhs under the pretext of sending his son (Amritpal Singh) abroad and gave him a fake visa.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that the petitioner has no concern or connection with "Mittal Group of Companies", which is engaged in the business of sending people abroad. He further

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argues that the petitioner neither charged any money nor assured the complainant of sending his son abroad on work permit. He argues that in fact, the complainant-Ranjit Singh himself came to the petitioner to seek information about going to Canada or New Zealand. He further submits that neither any amount was ever transferred to the account of the petitioner directly nor any receipt was issued by him to the complainant in this regard. Thus, false allegations have been levelled against the petitioner. No recovery is to be effected from the petitioner. Moreover, the petitioner has clean antecedents. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Patiala, vide order dated 28.07.2025.

5. On the other hand, learned State counsel, has already filed the status report in the matter and while referring to the same, has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argues that the petitioner is specifically named in the FIR and has cheated and defrauded the complainant of Rs.10 lakhs. He further argues that the petitioner received an amount of Rs.2,00,000/- from the complainant on 22.07.2021, Rs.3,00,000/- on 29.07.2021 and Rs.5,00,000/- on 17.12.2021

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and the receipts thereof are annexed with the reply as Annexures R-3 and R-4. He has further submitted that during investigation, the complainant has also produced copy of agreement dated 04.02.2021 allegedly executed between the parties vide which petitioner had earlier agreed to send the son of the complainant to Canada on work Visa in lieu of Rs.28 lakhs and another copy of agreement dated 25.06.2021 for sending his son to New Zealand in lieu of Rs.25 lakhs. Both of these agreements are notarized and copies thereof are annexed as Annexures R-1 and R-2, respectively, which itself shows the involvement of the petitioner in duping the complainant in the name of sending his son abroad. He further submits that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused and to effect recovery of the amount involved in the alleged fraud. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He is alleged to have cheated and defrauded the complainant of Rs.10,00,000/- under the pretext of sending his son abroad. As per the reply filed by the State, there are grave allegations against the petitioner who has not only cheated the complainant but also forged a visa which he forwarded to the complainant. The events in entirety indicate towards the existence of a bigger syndicate indulging in dubious immigration activities as a result of which, innocent victims end up being preyed upon by such illusory tactics. The Court is



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required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

9. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, 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 enroled in the crime and would not misuse his liberty".

Economic Offences

*78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in*



economic offences, the accuse is not entitled to anticipatory bail.

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83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail”.

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

17.11.2025
D.Bansal

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