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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.60438 of 2024
Date of decision: 09.01.2025

Maninder Singh @ Mani ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sunny K.Singla, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

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
64	05.04.2024	Islamabad, District Police Commissionerate Amritsar	420 of IPC

2. The aforementioned FIR had been registered on the basis of a written complaint lodged by the complainant Harpreet Singh alleging therein that the petitioner who was acquainted with him from the last sometime and with whom he was having friendly relations, had been visiting his shop of vehicle repairs continuously from the last three years.

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By taking the complainant in confidence, he used to check his mobile phone quite often. He had come to know now that the petitioner had got prepared one duplicate key of the cash box kept in the shop of the complainant and used to steal money therefrom. He had taken an amount of Rs.42 lakhs from the same. He had even got transferred a sum of Rs.13,40,000/- by using the mobile phone of the complainant on different dates, in his own bank account or in the account of his friends/relatives and then receiving the said amount himself and in this manner, he had caused wrongful loss to him and cheated. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 05.11.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated by the complainant who himself is indulged in sale/purchase of vehicles in illegal manner and who apprehended that the petitioner might disclose about his illegal activities to the police. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. The subject offence is not made out against him. There is delay of eight months in reporting the matter to the police. The petitioner does not have any criminal antecedents. Accordingly, it is urged that he deserves to be

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extended benefit of pre arrest bail.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, Sr. DAG, Punjab, has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are serious and specific allegations against the petitioner. His custodial interrogation is must for conducting thorough investigation in the matter. The inquiry has revealed that huge amount of money was transferred by use of online transactions in the bank account of the acquaintances/relatives of the petitioner. Their statements have been recorded and disclose that the said amount of money had been taken by the petitioner ultimately. He took advantage of friendly relations with the complainant and duped him of money. No extraordinary and sparing circumstance has been made out for allowing the petition. Accordingly, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. The petitioner is alleged to have duped the complainant of huge amount of money by using his mobile phone for conducting online transactions from his bank account and by transferring the money from the same for his wrongful gain and for causing wrongful loss to the complainant. He has not been able to explain the nature of these transactions. It is not his version that these transactions had been made in

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pursuance of some business. For conducting proper and thorough investigation in the matter, the custodial interrogation of the petitioner is, therefore, must. Moreso, 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 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 inroad in the normal legal procedure of criminal 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

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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.

09.01.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No