



CRM-M-60051 of 2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-60051 of 2025

Date of Decision: 26.11.2025

Satpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner.

Mr. Amit Shukla, 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.238 dated 11.09.2025 registered under Section 316(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Dharmkot, District Moga.

2. Brief facts of the present case as per prosecution are that the petitioner, who while working as Secretary in the office of Karyal Multiple Co-operative Agriculture Service Society Limited (hereinafter referred to as 'Society'), hatched conspiracy and embezzled an amount of Rs.12,91,166/- from the funds of the Society.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argues that the petitioner was serving as Sewadar in the

**CRM-M-60051 of 2025****-2-**

Society from 2014 to 2019 and thereafter, he became Secretary of the said Society in 2019. He further argues that during his tenure as Secretary, nothing has been misappropriated from the funds of the Society. He further submits that his salary w.e.f. June 2024 to May 2025 was due towards the Society, which has not been released by the President of the Society and it is because of that reason, the petitioner was wrongly and illegally terminated from the service of the Society and false allegations have been levelled against him regarding embezzlement of funds. He submits that if the contents of the FIR are taken to be true, even then the present dispute is of civil nature, which has been given a criminal colour by registering false FIR. 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, Moga, vide order dated 30.09.2025.

5. On the other hand, learned State counsel has already filed the reply 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 committed embezzlement to the tune of Rs.12,91,166/-. He further argues that some stocks were also found to be missing and there are sufficient documentary evidence to

**CRM-M-60051 of 2025****-3-**

connect the petitioner with the crime. He has further submitted that after registration of the FIR, on 13.09.2025, notice was issued to the petitioner to join investigation and the said notice was received by son of the petitioner, however, he has failed to join investigation. 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 embezzled funds and stock. 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 embezzled an amount of Rs.12,91,166/- from the funds of the Society. As per the reply filed by the State, there are grave allegations that that during his tenure as Secretary in the Society, the petitioner neither issued bills related to the tractor equipment nor deposited any amount in the society. As per the reply of State, the petitioner had committed the embezzlement of Rs.4,56,858/- from the said equipment and also misappropriated Rs.3,94,523/- from 11 accounts of the society's member, as well as committing theft of bags of Zink and Urea which collectively caused loss of Rs.12,91,166/- to the Society. The events in entirety, indicate the existence of a bigger syndicate indulging in dubious activities. The Court is 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



CRM-M-60051 of 2025

-4-

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.*

XXX XXX XXX

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



CRM-M-60051 of 2025

-6-

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

26.11.2025
D.Bansal

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