



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-2589-2026 (O&M)
Date of decision: 09.02.2026

Saurabh Goyal
....Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L.M. Gulati, Advocate for the petitioner
Mr. B.S. Saroha, DAG Haryana
Mr. Akash Vashisth, Advocate for the complainant

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in this 2nd petition filed under Section 482 BNSS is for grant of anticipatory bail to the petitioner in case FIR No.260 dated 07.10.2025, registered under Sections 316(2), 318(4), 61 of BNS, at Police Station Sector-14, Gurugram, District Gurugram.

2. Tersely, the facts that led to the registration of the present FIR are that the accused persons initially placed small orders for goods such as cumin, makhana, cashew nuts, and almonds and made timely payments, thereby gaining the confidence of various suppliers. After establishing trust, the accused allegedly placed bulk orders running into several crores of rupees and obtained delivery of the goods without making any payment. Subsequently, the accused persons are stated to have shut down the office of the firm, switched off their mobile phones, absconded, and concealed the goods so procured.

3. Learned counsel submits that the petitioner had executed a Special



Power of Attorney in favour of other co-accused namely Varinder and Manish, with regard to which, he had submitted a complaint and legal notice also, as he did not possess sufficient experience to deal with the business, though admittedly he was a proprietor of Pushpanjali Enterprises for sale and purchase of dry fruits and spices.

4. Learned State counsel and learned counsel for the complainant oppose the bail on the ground that this is the 2nd petition seeking anticipatory bail, without there being any new ground to entertain the said petition. It is further submitted that the Special Power of Attorney is a sham document inasmuch as on 07.08.2025, there was a business agreement entered into by the petitioner himself with the complainant, pursuant where to, the dry fruits were supplied, which was duly received, however, no amount was paid. An amount of Rs.49 lakh has also not been paid to Sodbuster Agro Ventures LLP and the total comes out to be Rs.3,46,70,902/-. Besides this, learned State counsel submits that there are 22 more complaints received by different companies and the petitioner has even changed his name from Saurav Paliwal to Saurav Goyal as mentioned in the GST registration certificate dated 10.09.2024, produced in Court during course of hearing as also handed over to learned counsel opposite. He thus states that the thorough investigation still needs to be conducted for which, his custodial interrogation is required. There is apprehension of him fleeing from justice.

5. Heard.

6. It is apposite to refer to the order dated 18.12.2025 passed in CRM-M-6883-2025, it being 1st bail petition filed by the petitioner before this Court, which reads thus:

“1. The present petition has been filed under Section 482 of BNSS, for grant of anticipatory bail to the petitioner in case



FIR No.260 dated 07.10.2025, registered at Police Station Sector-14, Gurugram, District Gurugram, under Sections 316(2), 318(4), 61 of BNS, 2023.

2. After arguing for some time, learned counsel on instructions submits that the petitioner is ready to surrender before the trial Court and prays that his bail application be directed to be decided within a time bound manner.

3. In view of the prayer made, without expressing any opinion on the merits of the case, present petition is disposed of with a direction to the learned trial Court that in case the petitioner surrenders within 7 days and files an application for grant of bail, the same be decided within 3 days thereafter, in accordance with law.”

7. Division Bench of this Court in **Manjinder Kaur vs. State of Punjab**, CRM-M-40916-2022, decided on 30.01.2023, had as regards the maintainability of second anticipatory bail observed that, “We have already held that second/subsequent/successive anticipatory bail application would not be maintainable where such an application has been dismissed by the Court on merits by passing a speaking order. Further qua the anticipatory bail application, it can be said that once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances has/have come about, further developments such as arrest of co-accused or main accused or bail granted to co-accused, different considerations, some more details, new documents or illness of the accused. It would also not be maintainable on a plea or ground that the Court on the earlier occasion failed to consider any particular aspect or material on record or that any point then available to the accused was not taken, agitated or pressed before the Court. However, the second/subsequent bail application under Section 438 Cr.P.C. would be



maintainable only if there is substantial material and substantive change in the fact situation and circumstances of the case due to subsequent events or in law.”

8. The first bail petition was heard at a considerable length, and only when the learned counsel for the petitioner was unable to persuade the Court to grant the relief as sought, he, on instructions, prayed that his regular bail be decided in a time bound manner, as he was ready to surrender. The petition was disposed of with granting him 7 days for the same and his application to be decided within 3 days thereafter.

9. Having consciously availed the opportunity of arguing the matter and upon sensing the disinclination of this Court to grant relief and it not being a case that the order in the previous petition was passed technically or where merits were not considered and learned counsel for the petitioner opted for issuance of alternate directions, he cannot now seek to reopen the issue by way of a successive second anticipatory bail petition, besides which, there being no change in circumstances brought out and it is explicit that the present case does not fall within the parameters as laid down in **Manjinder Kaur** (supra).

10. There are grave allegations levelled against the petitioner of hoodwinking the complainant and this Court inasmuch as, on the one hand he is relying on a Special Power of Attorney allegedly executed in favor of 2 co-accused and on the other, a business agreement dated 07.08.2025, produced during the course of hearing, was entered into by the petitioner himself with the complainant, pursuant where to, the goods were supplied to him, but the payment was not made. Even otherwise, there are 22 complaints registered against him on similar allegations, by different companies. His intent to cheat being writ large, his custodial interrogation is thus imperative to unearth the truth. Moreover,

Pushpanjali Enterprises, of which petitioner is one of the proprietors, has



defrauded multiple companies by obtaining goods under false pretences and evading payment obligations, totalling to almost Rs.3.5 Crores.

11. Even otherwise, the petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon'ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP CrI. No. 18200-2025, vide judgment dated 06.01.2026.

12. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon'ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

“6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

“438. Direction for grant of bail to person apprehending arrest.-

(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-

(i) The nature and gravity of the accusation;

(ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

13. Hon’ble the Supreme Court in the case of **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, has observed that, “Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. 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 justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while



exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

14. In **State represented by the C.B.I. vs. Anil Sharma**, 1997(4) R.C.R.(Criminal) 268, Hon'ble The Supreme Court had observed that in cases where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

15. The foregoing facts and circumstances reveal that the element of criminality cannot be ruled out and couching the petitioner in a comparative safety of pre-arrest bail will impede the thorough and effective investigation to elicit the truth as it may leave many loose ends and gaps, as also there being an apprehension of him re-offending. Thus, the present case when viewed in the light of the afore-referred judgments, this Court finds the petitioner to be not entitled to grant of concession of anticipatory bail. Resultantly, the present petition is dismissed.

16. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

(AMAN CHAUDHARY)
JUDGE

09.02.2026
M.Kamra

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