



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

**Sr.No.108+209**

**CRM-M-8194-2026 (O&M)  
Decided on : 20.04.2026**

Dharminder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

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Present : Mr. Ashwani Prashar, Advocate  
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

None for respondents No.2 and 3.

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**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.0262 dated 17.12.2025, registered under Section 316(5) of BNS, 2023, at Police Station Sadar Jagraon, District Ludhiana Rural and kept more than the amount authorized to him.

2. Brief facts, as per the prosecution case, are that the petitioner has embezzlement an amount of Rs.7.5 crores by fabricating record and inflating figures and kept more than the amount authorized to him.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further

contends that the allegations levelled against the petitioner are false and he



has no concern with the said offence. Learned counsel submits that the petitioner has not embezzled even a single penny but he has become prey at the hands of respondent No.2, who has obtained petitioner's signatures in good faith. Learned counsel submits that the entire evidence in the present case is documentary in nature, hence no recovery is to be effected from the petitioner and his custodial interrogation is not required. Learned counsel also submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the Investigating Agency and shall fully cooperate with the investigation agency. On these grounds, it is prayed that the present petition be allowed.

4. On the other hand, learned State counsel while referring to the status report already filed, has opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the petitioner are serious in nature. He contends that the petitioner being the Secretary of the Society had cash amount of Rs.2,04,63,258.13 on 31.03.2025 and cash amount of Rs.7,51,77,207.13 on 31.10.2025 belonging to the Society, despite the fact that the Secretary can keep cash in hand of Rs.20,00,000/- without season and cash amount of Rs.50,00,000/- during season as per resolution. Learned counsel further contends that the petitioner prepared forged documents; got issued cheque books in the name of members and after signing some of the cheques got issued the amounts and misappropriated the same. He himself has shown the return of amount by the members but he did not deposit this amount in the account of the society. In this way, he has misappropriated the funds of the society which is more than Rs.8,00,00,000/-. He also prepared forged cheques even on the names of the members who have already died and purchased property by using the



amount of society. He further submits that the custodial interrogation of the petitioner is required for recovering the embezzled amount, cheque books of members, record of society as well as unearth the *modus operandi* of the accused. Thus, he does not deserve any concession from this Court.

6. Having heard learned counsel for the parties at length and after perusing the record, this Court finds that the allegations levelled against the petitioner are grave and pertain to large-scale misappropriation of funds of the Society, running into more than ₹8 crores. The material placed on record *prima facie* indicates that the petitioner was entrusted with fiduciary responsibilities and has allegedly abused the same by retaining excessive cash in hand far beyond the permissible limits, preparing forged documents, issuing cheques in the names of members (including deceased persons), and diverting funds for personal gain, including purchase of property. The nature and magnitude of the allegations, coupled with the manner in which the alleged offences have been committed, cannot be said to be merely documentary at this stage. The possibility of tampering with evidence and influencing witnesses cannot be ruled out. Moreover, considering the requirement of a thorough investigation into the financial transactions and the role of the petitioner therein, this Court is of the view that custodial interrogation of the petitioner is necessary. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may



affect the course of fair investigation and undermine and seriousness of the alleged act.

7. 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."*

8. 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 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”.*

9. 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 hereby dismissed.

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

11. All miscellaneous application(s), if any, stands disposed of accordingly.

**20.04.2026**  
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**(RUPINDERJIT CHAHAL )**  
**JUDGE**

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