



CRM-M-9293-2026

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

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Decided on: 07.05.2026

Surinder Pal and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Vipul Joshi, Advocate,
Mr. Piyush Kumar, Advocate,
Mr. Saurav Sood, Advocate and
Mr. Akash Gahlawat, Advocate
for the petitioners.

Mr. Pawan Kumar Jhanda, Sr. DAG Haryana

Mr. G.S. Dhillon, Advocate
for the complainant

SANJAY VASHISTH, J. (ORAL)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioners, who have been booked in a criminal case arising out of in FIR No.499 dated 06.08.2024, registered under Sections 303(2), 318(4), 336(2), 338 and 340(2) of BNS, 2023 at Police Station Chandni Bagh, District Panipat, Haryana (Annexure P-1).

2. As informed by learned senior counsel for the petitioners, petitioner No. 3 – Deepak Sharma, who is son of petitioners No. 1 and 2 since has been



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arrested, the present petition seeking anticipatory bail be disposed of on his behalf being rendered infructuous.

Thus, petition qua petitioner No. 3- Deepak Sharma stands disposed of, having been rendered infructuous.

3. The broader allegation against the petitioners is of committing theft of a Cheque No. 351883 dated 04.07.2024, amounting to Rs. 5,79,600/-, and when it was presented for its clearance to the bank, same got bounced on account of stoppage of payment. The cheque belong to the account of complainant namely Karuna Kapoor, who is having firm in the name of M/s Home Trendz, 465, Phase I, Sector 11, HUDA, Panipat, Haryana.

4. Learned senior counsel for the petitioners submits that at first instance vide order dated 22.01.2026 (page 56-57), the petitioners were granted interim anticipatory bail by recording its findings in paragraph No. 10, which reads as under:

“10. After considering the submissions of both the sides, this Court finds that the allegations against the present applicants are that they are alleged to have committed theft of cheque bearing No.351883 from the cheque book of the complainant and forged the same and deposited the same with his bank for clearing for getting an amount of Rs.5,79,600/- fraudulently. As per the police report, the complainant has levelled allegations of theft of cheque against her husband and his family members and also placed suspicion that the applicants-accused are in collusion with her husband. After perusal of the case file shows that since no money from the account of the complainant has been released in favour of the applicants-accused, however, as per the pleadings of the applicants-accused, they had allegedly given goods worth Rs.5,79,600/- to one Ramesh who had given the said cheque on behalf of the complainant to them. A legal notice has also allegedly been to the complainant for recovery of the money by the applicants-accused. In these circumstances, at this stage of investigation, nothing can be commented upon the element of criminality on the part of the applicants-accused. Police report does not show that any recovery is to be



effected from the applicants-accused and even no ground is mentioned there for which the custodial interrogation of the applicants is required. There is nothing on record that the applicants are having any criminal antecedent. After considering the totality of the facts and circumstances and the fact that the custodial interrogation of the applicants-accused would not be justified, it is ordered that the applicants-accused are directed to join the investigation by appearing before Investigating Officer/Arresting Officer, Police Station Chandni Bagh, Panipat as and when called by the investigating officer. The Investigating Officer shall join him into investigation and shall submit his report on 05.02.2026. A copy of this order be immediately sent to the Investigating Officer/SHO, Police Station Chandni Bagh, Panipat for intimation and compliance. Now, the matter is fixed for 05.02.2026 for filing status report by the police regarding joining of investigation and co- and co- operation of applicants-accused in the same.”

5. However, on 05.02.2026, Investigating Officer reported that the petitioners were not cooperating and on that account the proceedings were deferred for 10.02.2026. Thereupon, by giving reference of the invoice bill and the complaint under Section 138 of the Negotiable Instruments Act, the gravity of the offence was analyzed, and then the concession of bail was subsequently declined.

6. Primary argument addressed by learned senior counsel is that invoice bill and the facts of the complaint are yet to be adjudicated by the concerned Court, where the complaint is pending. Moreover, cheque in question was neither encashed, nor is there, any direct or indirect allegation that the petitioners had ever instructed anyone to steal, the cheque in question.

One Harvinder Singh (husband of the complainant Karuna Kapoor) was, infact, alleged to have stolen the cheque in question; however, he has been already granted concession of anticipatory bail by the Court of Sessions. Another son of the petitioners, namely Narayan Sharma, has also been extended the concession of anticipatory bail. During the course of arguments, no specific



material is pointed out by counsel for the State or even by the complainant, to substantiate the plea that the custodial interrogation of the petitioners is warranted for any specific purpose. Nothing remains to be recovered from the possession of the petitioners.

Prima facie, this Court is of the view that nothing is to be recovered from the possession of the present petitioners. Furthermore, no satisfactory explanation could be provided as to what were questions posed by the investigating officer to the petitioners, which remained unanswered. As far as, the disclosures regarding the preparation of the invoice etc. is concerned, there is no allegation that the petitioners were responsible for preparing those invoice letters, which otherwise are the subject matter of Section 138 of Negotiable Instruments Act. Both the petitioners are senior citizens, aged 69 and 66 years respectively and are not habitual criminals. Therefore, this Court finds it appropriate to grant the concession of anticipatory bail to the petitioners in the present case.

7. Accordingly, petitioners namely Surinder Pal and Kamlesh Rani are directed to join the investigation within two weeks from today, or as and when called by the investigating agency, and in the eventuality of the arrest, petitioners would be released on anticipatory bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioners shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

8. Besides, it is directed that petitioners would hand over their passport to the Investigating Agency or to Court concerned, if they possesses. Otherwise, would submit an affidavit, disclosing the fact that they do not possess any

passport.



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It is also directed that before leaving country any time during trial, petitioners would seek prior permission of the Court.

9. However, it shall be open for the prosecution as well as the complainant to seek revival of the present bail order, in the event, statements made by learned counsel for the petitioners, as recorded here above, are found incorrect, or if the petitioners fail to join and cooperate with the investigation, in terms of the directions mentioned in the present order.

10. With the directions issued here above, present petition stands disposed of.

07.05.2026
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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned:	YES/ NO
Whether Reportable:	YES /NO