

CRM-M-9918 of 2026

2026:PHHC:034444



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

CRM-M-9918 of 2026

Date of decision: 06.03.2026

Bhanwar Singh @ Bhanwar Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Harish Sharma, Advocate,
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

Mr. Hemant Hans, Advocate,
for Mr. Saurabh Chobey, Advocate,
for the complainant.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.126 dated 22.07.2025 registered under Sections 316(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Dugri, Ludhiana.

2. Present FIR was lodged on the complaint of complainant-Radhey Sham, who stated that he is known to the petitioner for the last 4-5 years and he has family relations with him. The petitioner was in the business of buying and selling vehicles. In October, 2024, petitioner told the complainant that he has a Mahindra Thar Model 2024 and he will give the same at a cheap rate of Rs.12.50 lacs and also told that the delivery of said vehicle would be given within 7 days.

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Complainant transferred an amount of Rs.2.60 lakh in the account of petitioner on 23.10.2024 through bank transaction and the remaining amount was to be given at the time of delivery of vehicle. Thereafter, petitioner again took an amount of Rs.4.20 lakh and Rs.1.20 lakh through bank transactions. But despite that, the petitioner did not deliver the vehicle to the complainant. Petitioner again told the complainant that he will give him Fortuner Vehicle at a cheap price. Thereafter, complainant transferred an amount of Rs. 17 lakh in the bank account of petitioner on 10.01.2025 but when complainant asked about the delivery of both the vehicles, the petitioner started dilly-dallying the matter. The complainant has paid the total amount of Rs.25 lakh, however, vehicles have not been delivered by the petitioner. The petitioner returned Rs.8 lakhs and has not returned the remaining amount to the complainant.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that purely a civil dispute has been given the criminal colour. He further submits that substantial amount of Rs.17 lakh has already been returned by the petitioner. He further submits that petitioner is not involved in any other case and is ready and willing to join the investigation.

4. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner by submitting that petitioner has cheated the complainant and to recover remaining

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amount of Rs.8 lakh, custodial interrogation of the petitioner is required.

5. I have heard learned counsel for the parties and perused the record.

6. *Prima facie* the petitioner, leveraging a family relationship, induced the complainant to pay a total of Rs. 25 lakh under the pretext of providing luxury vehicles (Mahindra Thar and Toyota Fortuner) at subsidized rates. Despite receiving multiple bank transfers—specifically Rs.2.60 lakh, Rs.4.20 lakh, Rs.1.20 lakh, and a substantial amount of Rs.17 lakh—the petitioner has failed to deliver the vehicles. While Rs.8 lakhs was returned, a significant sum of Rs.17 lakhs remains misappropriated.

7. As per law laid down by the Hon’ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma, (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

8. In ***Bal Krishan Fauzdar v. State of Haryana 2018 (1) RCR Criminal 789***, it is held by a Co-ordinate Bench of this Court in para No. 8 as under: -

“.....It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in

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comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.”

9. The allegations levelled against the petitioner are specific that he exploited the complainant's vulnerable circumstances, dishonestly promising to provide him vehicles at subsidized rates and inducing him to pay a sum of Rs.25 lakh. After receiving the money, the petitioner failed to fulfil the promise, thereby causing significant financial loss to the complainant and committing the offence of cheating. The return of partial amount does not absolve the petitioner of his criminal liability. Custodial interrogation of the petitioner is required for a fair and effective investigation and for the recovery of the remaining cheated amount. Therefore, grant of anticipatory bail at this stage is likely to impede the course of investigation and may also embolden the petitioner to influence or intimidate the complainant. Accordingly, in these circumstances, the petitioner does not deserve the concession of anticipatory bail.

10. In view of the above, present petition is dismissed.

(NAMIT KUMAR)
JUDGE

06.03.2026
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No