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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-11294 of 2026
Date of Decision: 06.04.2026

Kala Singh Bhakar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Nitin Garg, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

Mr. Dhiraj Jindal, Advocate for the complainant.

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.206 dated 03.09.2024 registered under Sections 420 and 120-B of IPC, at Police Station Bhawanigarh, District Sangrur.

2. Brief facts of the prosecution case are that the petitioner along with co-accused, under a pre-planned conspiracy, duped the complainants for a sum of Rs.15 lakhs, on the pretext of securing jobs to them in Electricity Department. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern or involvement with the alleged fraud. He further argued that the



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petitioner is neither the beneficiary, nor has received any amount. He argued that petitioner has been roped in the present FIR unnecessarily as it was the co-accused Sunil Kumar who was acquainted with the complainants and the said co-accused has already died in the year 2023 and in order to recovery the money, the complainants have lodged the present FIR against the petitioner. He submitted that as per the prosecution, the alleged payments were given to the petitioner by the complainants in the year 2021 and the FIR in question was registered on 03.09.2024 i.e. after an unexplained delay of more than three years, casting serious doubt on the prosecution story. He further argued that no offence under Section 420 IPC is made out against the petitioner as the contents of the FIR do not fulfill the ingredients of cheating in any manner. 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. Hence, he prays that present petition be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Sangrur, vide order dated 19.09.2024.

5. On the other hand, learned State counsel 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 argued that the petitioner is specifically named in the FIR. He further argued that the petitioner along with co-accused wrongly assured the complainants that



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that they would secure employment to both the complainants in Electricity Department and on that pretext, received an amount of Rs.15 lakhs and thus, has cheated and defrauded the complainants by making false promise of employment. He further submitted that the petitioner is not only peripheral participant but principal architect of the conspiracy. He along with co-accused orchestrated a well planned conspiracy to cheat the complainants. He further submitted that earlier also the bail application of the petitioner was dismissed by a Co-ordinate Bench of this Court, vide order dated 17.12.2024 and further by the Hon'ble Supreme Court, vide order dated 10.11.2025. He further submitted 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 amount involved in the alleged fraud. Hence, he prays for dismissal of the petition.

6. Learned counsel for the complainant has filed his Power of Attorney, which is taken on record. He adopts the submissions made by learned State counsel and while opposing the prayer for grant of bail to the petitioner, has contended that the petitioner has played an active role in the crime and thus, does not deserve the concession of bail.

7. Heard.

8. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He along with co-accused is alleged to have cheated and defrauded the complainant for Rs.15 lakhs under the pretext of securing jobs in Electricity Department. The petitioner had deceived the complainants and played an active role in the



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crime. The allegations involve deep rooted, conspiracy and cheating of a significant magnitude requiring full, fair and unhindered investigation. At this juncture, the custodial interrogation of the petitioner is required to uncover the modus operandi and to recover the amount involved in the crime. While considering the plea for grant of anticipatory bail, this 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 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.

9. 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."

10. 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.

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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”.

11. 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.

12. 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

06.04.2206

D.Bansal

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