IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-12321-2025 (O&M)
Decided on : 19.01.2026

Fateh Singh and another **...Petitioners**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Namit Khurana, Advocate
for the petitioners.

Ms. Himani Arora, DAG, Haryana.

Mr. Sanjeev Majra, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 *(for short 'BNSS')* seeking cancellation of anticipatory bail granted to respondent No. 2-Bhupinder Mann in FIR No. 0795 dated 27.12.2024, registered under Sections 406 and 420 of IPC at Police Station Gharaunda, District Karnal, vide order dated 21.02.2025, passed by the Court of learned Additional Sessions Judge, Karnal.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint jointly lodged by the petitioners alleging that one Harman Singh

had come into their contact through Facebook. He represented himself to be a resident of Malaysia and claimed that he was involved in the business of sending people abroad. The petitioners/complainants had some conversations with him for sending their sons to Australia. The said Harman Singh told the complainants that respondent No. 2 and one Ajmer Singh, who were partners in Maan Finance Company, Karnal, were known to him and that the complainants could give a sum of Rs. 28 lakhs to respondent No. 2 for the said purpose. He further assured that their sons would be sent abroad. The complainants went to the office of respondent No. 2, who represented to them that he was acquainted with Harman Singh and that he had been receiving money on his behalf earlier as well. He took the complainants into confidence and also made them talk to Harman Singh. Believing the said representations, a sum of Rs. 28 lakhs was given by the petitioners/complainants to respondent No. 2 by way of security for sending their sons abroad on 14.05.2024. Respondent No. 2 also executed a writing on his letterhead to return the money if the work was not done. The petitioners further alleged that the accused Harman Singh had given tickets from Delhi to Mumbai to their children and told them that from Mumbai, they would be sent directly to Australia. However, they were kept in Mumbai for about 15 days and were not sent anywhere. Thereafter, they returned back. When the complainants asked the accused Harman Singh to return their money, he started extending threats to them. Respondent No. 2 also stated that he had already sent the money to Harman Singh and that he was not responsible for the same.

3. After registration of the FIR, investigation proceedings were initiated. Apprehending his arrest, respondent No. 2 filed an application for grant of anticipatory bail, which was allowed by the Court of the learned Additional Sessions Judge, Karnal, vide order dated 21.02.2025. Subsequently, the said interim order was made absolute.

4. It is argued by learned counsel for the petitioners that the impugned order dated 21.02.2025 is liable to be cancelled as while extending benefit of anticipatory bail to respondent No. 2, the learned Additional Sessions Judge failed to appreciate that the ingredients of the offence of cheating were prima facie made out against him. Respondent No. 2, along with the co-accused, caused wrongful loss to the tune of Rs. 28 lakhs by fraudulently taking the said amount by deceiving the petitioners with false promises. It is further argued that the order passed by the learned Additional Sessions Judge is contrary to the facts of the case. It was wrongly observed that the money was transferred to some persons, namely Amit Kumar and Dilip Chauhan, at the asking of the petitioners, whereas the petitioners have prima facie material on record to show that the money was actually given to respondent No. 2. A thorough investigation is required to ascertain as to whom the amount of Rs. 28 lakhs was given by respondent No. 2 or whether it was misappropriated by him, for which custodial interrogation is necessary. It is also alleged that respondent No. 2 is involved in money laundering and is deceiving innocent persons by depriving them of their hard earned money. It is, thus, argued that the impugned order is liable to be set aside, the petition

deserves to be allowed and the benefit of bail granted to respondent No. 2 is liable to be withdrawn.

5. Respondent No. 1-State has filed a reply submitting that respondent No. 2 had joined the investigation on 13.02.2025 but no recovery of any amount was effected from him. It is further submitted that regular bail has also been granted to him on 11.02.2025 and that a thorough investigation has already been conducted.

6. Respondent No. 2 has filed a reply contesting the petition and asserting that no ground for allowing the same is made out. Hence, he has prayed for dismissal of the present petition.

7. This Court has heard the rival submissions.

8. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam vs. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail. Reliance can further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for

grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others vs. State of Haryana :1995 SCC (1) 349.***

9. On applying the aforesaid principles to the facts of the present case, this Court finds that learned Additional Sessions Judge, Karnal, while granting anticipatory bail to respondent No. 2, has duly considered the nature of allegations, the role attributed to him and the fact that the dispute, at least to some extent, revolves around the transfer and handling of money allegedly paid for facilitating travel abroad. It is not in dispute that respondent No. 2 has joined the investigation. There is no allegation on record that respondent No. 2 has either failed to cooperate with the investigation or has violated any condition imposed while granting anticipatory bail. The contention raised on behalf of the petitioners that custodial interrogation of respondent No. 2 is necessary to ascertain the end-use of the amount in question does not, by itself, constitute a valid ground for cancellation of bail, particularly when the investigation has already progressed and the State itself asserts that a thorough investigation has been conducted. The allegations regarding respondent No. 2 being involved in money laundering or deceiving other persons are bald assertions, which are not supported by any specific material placed on record in the present proceedings. Such vague allegations, in the absence of any

concrete evidence showing misuse of liberty or obstruction of justice, cannot form the basis for cancellation of bail.

10. This Court also does not find that the impugned order dated 21.02.2025 suffers from any perversity or patent illegality. The learned Additional Sessions Judge has exercised judicial discretion in accordance with settled principles governing grant of anticipatory bail. Merely because the petitioners hold a different perception regarding appreciation of facts, the same cannot be a ground to set aside a discretionary order granting bail. It is equally significant to note that respondent No. 2 has already been granted regular bail, which further diminishes the force of the prayer seeking cancellation of anticipatory bail in the absence of any supervening circumstances.

11. In view of the discussion as made above, this Court finds no justification to invoke the extraordinary jurisdiction for cancellation of bail. The petitioners have failed to demonstrate any subsequent conduct of respondent No. 2 or any material infirmity in the impugned order warranting interference by this Court. Accordingly, the present petition is dismissed.

19.01.2026 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*