2026:PHHC:041674

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-12543-2026

Guriqbal Singh Dhaliwal ....Petitioner

versus

State of Punjab ....Respondent

Date of Decision: March 17, 2026
Date of Uploading: March 17, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jasmeet Singh Ghumman, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

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SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.113 dated 16.10.2025, registered for the offences punishable under Section 420 of IPC, at Police Station Malaud, District Khanna.

2. The gravamen of the instant FIR reflects that it has been registered on the basis of a complaint moved by the complainant, Gulzar Gurdev Singh Sandhu, a resident of Singapore and a teacher under the Ministry of Education at Whitley Secondary School. The complainant in his complaint has stated that on 26.01.2023 he came to Amritsar. It is alleged that his friends namely Guriqbal Singh Dhaliwal (petitioner herein) and Hardeep Singh, received him at Amritsar and during his stay he handed over them with certain belongings, including his passport, laptop, cash amounting to ₹20,000/-, and his POSB Singapore debit card for safe custody. It is

further alleged that an Indian Airtel SIM card was arranged by his above said friends for the complainant for use during his stay in India and the complainant has handed over his Singapore SIM card to his friends. The complainant has further alleged that he occasionally used his debit card for making payments during his stay and thereafter used to return the same to the aforesaid persons for safe keeping. He has further alleged that on one occasion, he disclosed the PIN of his debit card to accused persons for making a transaction on his behalf. Since the complainant was not using his Singapore SIM card during his stay in India, he did not receive any banking alerts regarding the transactions made from his account. It is further alleged that when the complainant asked for the return of his Singapore SIM card, the petitioner (herein) informed him that the same could not be located. At the time of the complainant's return to Singapore, the accused persons returned his passport and laptop but informed him that the debit card and Singapore SIM card had been misplaced and would be sent to him later upon being found. Subsequently, upon reaching Singapore and applying for a replacement card, the complainant came to know that a fraudulent transaction dated 10.02.2023 amounting to ₹12,30,921/- had been transferred from his account to the bank account of petitioner (herein). The complainant has further stated that he later came to know that another unauthorized transaction dated 12.02.2023 amounting to ₹1,06,000/- had been made in favour of Shivam Impex, Ludhiana by using his debit card by the accused persons. Upon these set of allegations, the instant FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has

further iterated that the petitioner has been falsely implicated into the FIR in question. While relying upon the bank statement of the petitioner, learned counsel has argued that at the time of visit of the complainant to India, all the expenses incurred by the petitioner, which were later on transferred by the complainant. The amount in question was transferred on the basis of mutual compromise. He has further contended that the alleged incident occurred in February, 2023 whereas the FIR was registered in October i.e. after a delay of more than 2 ½ years. He has further contended that the petitioner is not involved in any other criminal case.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. It is argued that the petitioner, in connivance with the co-accused, has misused the debit card of the complainant and carried out fraudulent transactions amounting to a substantial sum from the complainant's bank account. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The petitioner, in connivance with the co-accused, has allegedly defrauded the complainant of a substantial amount by misusing his debit card, thereby committing a grave breach of trust. Learned counsel has failed to demonstrate the petitioner was not involved in the alleged offence. The argument raised by learned counsel that there is a delay of 2½ years in lodging of FIR does not merit acceptance, as the record reflects that the complainant is a resident of Singapore and the alleged fraudulent transactions came to his knowledge only after he returned to Singapore and during this time his complaint was pending with the police authorities.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

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 interests. 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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that prima facie case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant

anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p. 189, para 6)

> "*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 informations 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. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 17, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No