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CRM-M-12801-2026 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12801-2026 (O&M)

Date of decision: 18.05.2026

BHUPINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Ishwarjot Singh, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

CRM-10240-2026

This is an application filed under Rule 3/A(I) Chapter VI, Part B, Vol V of the High Court Rules and Orders for grant of leave to file the present petition.

For the reasons mentioned in the application, same is allowed as prayed for.

Disposed of.

Main Case

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.12 dated 27.12.2025 registered under Sections 318(4), 61(2) of BNS, 2023 at P.S. NRI, District Moga (Annexure P-1).

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, cheated the complainant to the tune of



Rs.81 lacs and also transferred other valuables belonging to complainant's parents. Hence, the present FIR.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case due to a family property dispute. He submits that the complainant's parents had executed an affidavit dated 12.03.2025 acknowledging that the petitioner and his wife were taking care of them. He further submits that the complainant-Gurdeep Kaur had also executed an affidavit shortly after the death of her father which do not contain any allegations of poisoning or hatching any conspiracy against her father as is alleged in the FIR. He submits that the property in dispute has been transferred through a duly registered sale-deed and without any coercion. He further submits that the money that was withdrawn on different occasions was utilized for cremation and Bhog ceremony of the father of the complainant. He further submits that there is an unexplained delay of 05 months in registration of the FIR thereby casting serious doubt on the prosecution story. Nothing is to be recovered from the petitioner. 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 his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Moga, vide order dated



5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record. Referring to the same, she has vehemently 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. She argued that the petitioner is specifically named in the FIR. She further submitted that the petitioner had embezzled and misappropriated the money of the complainant's parents and had fraudulently transferred the house of the complainant's mother in his name. She further submitted that the petitioner, with dishonest intention, took the complainant's mother to the bank and withdrew all the gold ornaments kept in the bank locker. She also submitted that the petitioner had withdrawn approximately Rs. 81 lakhs from the account of the complainant's father on different occasions and, even after the death of the complainant's father, the petitioner and the other co-accused had withdrawn Rs. 2,42,000/- through ATM transactions. She further submitted that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter, as well as for recovery of the amount involved in the alleged fraud. Hence, she prayed for dismissal of the petition.

6. I have heard learned counsel for the parties and perused the record with their able assistance. The allegations levelled against the petitioner are grave and serious in nature. The petitioner is specifically named in the FIR and there are specific allegations that he, in connivance with the co-accused, misappropriated huge amounts from the accounts of



favour by adopting fraudulent means. As per status report, the allegations regarding withdrawal of substantial amounts from the bank accounts of the deceased as well as operation of the bank locker containing gold ornaments. The investigation in the matter is still at a nascent stage and the custodial interrogation of the petitioner appears necessary for effective investigation, recovery of the alleged misappropriated amount, and for unearthing the complete modus operandi adopted by the accused persons. 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.

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 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."

8. 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”.

9. 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.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

18.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No