

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

CRM-M-13057-2026

Date of decision: 06.04.2026

SHUBHAM KUMAR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Amit Shukla, DAG Punjab.

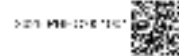
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RUPINDERJIT CHAHAL, J. (ORAL)

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.125 dated 27.07.2025, registered under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) BNS, at Police Station Civil Lines, District Amritsar.

2. Brief facts of the present case are that the petitioner in collusion with his associates fraudulently obtained documents from the complainant and opened a fictitious bank account and sanctioned a loan of Rs.70,000/- in his name. Hence the present FIR.

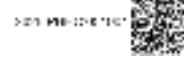
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner is innocent and he has not committed any offence. He submits that the petitioner was merely working as a Sales Officer with the company and his duty was limited to uploading the documents on the portal of the finance company whereas the loan was sanctioned by the competent authority of the



company. He submits that each and every document is in the possession of police officials and no recovery is to be effected from him. He submits that the petitioner has clean antecedents as he is not involved in any other case. Learned counsel 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.

4. After registration of the FIR, investigation has been initiated and is under way qua the petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the learned Additional Sessions Judge, Amritsar vide order dated 05.03.2026.

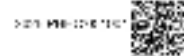
5. On the other hand, learned State counsel has already filed the status report in the matter, and he, while referring to the same, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He submits that the petitioner has played a crucial role in commission of the crime. He further submits that the petitioner is not a mere peripheral participant but the principal architect of the entire conspiracy. The petitioner while working as an employee abused his official position and in collusion with unknown associates misused the Aadhar and PAN details of the complainant to prepare forged identity documents and create a fake identity. On the basis of such forged documents the petitioner opened fictitious bank account and fraudulently sanctioned a loan of Rs.70,000/- in the name of complainant from a non-existent firm thereby misappropriating the loan amount. He further submits that the complainant has denied availing any such loan and



documentary record of the finance company, statement of the sales manager, bank record and findings of preliminary enquiry clearly establish the involvement of the petitioner. He further submits that non-existence of the firm and false address substantiate the fraudulent design. The material on record demonstrates a pre-planned conspiracy and active involvement of the petitioner supported by cogent documentary and oral evidence. Thus, learned State counsel prays that custodial interrogation of petitioner is required for effective investigation. Learned State counsel thus, prays for dismissal of the petition.

6. Having heard learned counsel for the parties and perused the record, this Court finds that the allegations against the petitioner are grave and pertain to a well-orchestrated act of fraud involving misuse of identity documents, preparation of forged records, and fraudulent sanction of a loan amount. The material placed on record, including documentary evidence, statements of witnesses, and bank records, prima facie indicates the active and central role of the petitioner in the commission of the offence. The contention that the petitioner was merely a Sales Officer with limited duties cannot be accepted at this stage in view of the specific allegations attributing to him the role of a key conspirator. Considering the nature and seriousness of the offence, the requirement of custodial interrogation to unearth the larger conspiracy, and the possibility of the petitioner influencing the investigation.

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

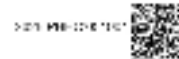


with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (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. 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".

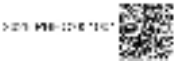
Economic Offences

*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 hereby dismissed.

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

06.04.2026	(RUPINDERJIT CHAHAL)
puneet	JUDGE
i) Whether speaking/reasoned?	Yes/No
ii) Whether reportable?	Yes/No