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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13849 of 2026
Date of Decision: 18.04.2026

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

Mr. Ashish Soi, 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.31 dated 13.02.2026 registered under Sections 318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Jodhewal, District Ludhiana.

2. Brief facts as per the prosecution case are that the petitioner in connivance with co-accused Surinder Singh induced the complainant and duped him for a sum of Rs.7 lakhs on the pretext of selling a plot. Hence, the present FIR.

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3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that in fact, it is the co-accused Surender Singh, who has entered into an agreement to sell dated 12.08.2025 with the complainant. He further submitted that the amount of Rs.7 lakhs was received by co-accused Surender Singh only. He further argued that when the complainant failed to pay the remaining amount to said co-accused on the date of execution of the sale deed i.e. on 12.11.2025, then complainant lodged a false FIR against the petitioner as well as the said co-accused Surender Singh. He argued that the petitioner was only a marginal witness in the agreement to sell and has nothing to do with the transaction allegedly took place between the complainant and co-accused Surender Singh. He further submitted that the petitioner is not the beneficiary of any transaction in any manner. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. Learned counsel for the petitioner further submitted 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, Ludhiana, vide order dated 05.03.2026.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has vehemently

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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 in connivance with co-accused Surender Singh had represented to the complainant that co-accused is the owner of the plot. He further argued that the petitioner is also witness of the agreement to sell. He further submitted that the petitioner is involved in two more cases meaning thereby he is a habitual offender. He further submitted that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter, to unearth the modus operandi of accused, and to recover the amount involved in the alleged fraud. Hence, he prays for dismissal of the petition.

6. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of anticipatory bail to the petitioner, he submits that the petitioner has cheated the complainant for a sum of Rs.7 lakhs by inducing him to enter into agreement to sell of someone else's land. Thus, the petitioner does not deserve the concession of bail.

7. Having heard learned counsel for the parties and perused the material available on record, this Court finds no merit in the present petition. The allegations against the petitioner are serious in nature involving a substantial amount allegedly obtained by inducing the complainant under false pretences. The petitioner in connivance with co-accused Surender Singh had committed fraud of Rs.7 lakhs with the complainant by entering into agreement to sell of someone else's land and he is also witness of the said agreement to sell. The custodial interrogation is necessary for unearthing the modus



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operandi as well as to recovery of the defrauded amount. The involvement of the petitioner in other criminal cases also cannot be ignored at this stage. The events in entirety indicate towards the existence of a bigger syndicate indulging in dubious activities as a result of which, innocent victims end up being preyed upon by such illusory tactics. 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. The investigation is at nascent stage and 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 petitioners is necessary for effective investigation in the matter.

8. 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."

9. 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”.

10. 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.

11. 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

18.04.2026
D.Bansal

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