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CRM-M-15154-2026 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15154-2026 (O&M)

Date of decision: 16.04.2026

ASHISH

....Petitioner

Versus

STATE OF U.T. CHANDIGARH

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Karan Duggal, Advocate for the petitioner.

Mr. Manish Bansal, P.P. U.T. Chandigarh and
Ms. Sarasmi Budhiraja, Advocate.

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RUPINDERJIT CHAHAL, J. (ORAL)

CRM-12061-2026

This is an application filed under Rule 3-A(I) Chapter 6 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.114 dated 25.07.2025 registered under Sections 318(4), 61(2) BNS at Police Station Sector 17 Central, Chandigarh (U.T.).

2. Brief facts as per the prosecution case are that the petitioner along with co-accused duped the complainant for a sum of Rs.15,88,450/- on



the pretext of sending him abroad on tourist/work VISA. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner neither dealt with the complainant nor he had received any money from him. He further argues that the petitioner was not involved in client dealings and it was co-accused namely Smriti @ Maira who was involved in direct dealings with the clients. He further submits that it was the co-accused who received the payments and even transferred Rs.40,000/- into her personal bank account. He further argued that the petitioner has neither committed any embezzlement nor misappropriated any funds as he was working with the company on commission basis and he was not having any power to take payments directly from the clients. He further submits that ownership of the firm does not stand in his name. He further submits that the FIR has been lodged with an ulterior motive only to harass the petitioner. No recovery is to be effected 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.

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, Chandigarh, vide order dated 13.02.2026.

5. On the other hand, learned State counsel has filed the status report and has opposed the prayer of the petitioner for grant of anticipatory



serious in nature. He further argued that the petitioner along with other co-accused cheated the complainant on the pretext of sending him abroad on study/work VISA and as such, he is the main perpetrator of the crime. He submits that the petitioner has been found to be the co-owner of the said firm and was directly involved in its establishment and operations. He submits that the rent agreement executed in May 2024 for the aforesaid premises clearly shows that the petitioner along with co-accused entered into the agreement with the building owner namely Sikander Singh Sahota for running the office of Wish Immigration, thereby establishing his direct connection with the firm. He submits that the petitioner was not merely associated with the firm but was also a direct beneficiary of the cheated amounts and actively involved in the financial transactions relating to the fraud. He further submits that anticipatory bail of the petitioner in another FIR was also dismissed by Co-ordinate Bench of this Court vide order dated 27.03.2026 passed in *CRM-M-16900-2026*, clearly reflecting that the petitioner is a habitual offender. He further argued that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused and to recover the amount involved. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. He is specifically named in the FIR. He is alleged to have cheated the complainant for a huge amount on the pretext of sending him abroad. The material on record establishes that the petitioner was a co-owner who played an active role in functioning of the firm. The rent

agreement executed in May 2024 for the premises in question clearly



demonstrates that the petitioner, along with the co-accused, entered into a formal arrangement with the building owner, Sikander Singh Sahota, for operating the office of Wish Immigration, thereby firmly establishing his direct nexus with the firm. The petitioner was also a direct beneficiary of the proceeds of the alleged fraud and was actively involved in the financial transactions. The custodial interrogation is required to uncover the modus operandi and to recover the amount involved in the crime. While considering 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. Considering the gravity of the allegations, the custodial interrogation of the petitioner 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.

16.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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