



CRM-M-14136 of 2026 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

385

CRM-M-14136 of 2026
Date of Decision: 06.04.2026

Ashwani Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Karan Choudhary, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

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.24 dated 01.02.2026 registered under Sections 420, 465 and 471 of IPC, at Police Station Dinanagar, District Gurdaspur.

2. Brief facts as per the prosecution case are that the petitioner had cheated the complainant for a sum of Rs.3,50,000/-, on the pretext of securing a job in Health Department and also issued forged appointment letter & ID card to the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the alleged fraud. He argued that in fact, the petitioner was having transactions with the witness Parveen Kalia and he was having regular transactions with him and because of some dispute between them, on the

**CRM-M-14136 of 2026 -2-**

saying of said Parveen Kalia, false and frivolous allegations have been levelled against the petitioner by the complainant. He argued that the petitioner was neither any beneficiary to the alleged fraud as no amount was deposited in his account, nor he demanded or induced the complainant. He argued that if the contents of the FIR are taken to be true, even then no specific role or overt act has been attributed to the present petitioner to attract the ingredients of offence of cheating and mere bald and vague allegations have been levelled against the petitioner. 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. Moreover, the petitioner has clean antecedents as he is not involved in any other case. 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, Gurdaspur, vide order dated 06.03.2026.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he 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. He argued that the petitioner is specifically named in the FIR. He



CRM-M-14136 of 2026 **-3-**

further argued that the petitioner has cheated the complainant for Rs.3,50,000/- on the pretext of providing job of Ward Boy in Health Department. He further argued that the petitioner also issued photocopy of forged joining letter to the complainant and also handed one identity card. He further argued that the petitioner used to take the complainant along with two different hospitals for performing the duty. Further, the petitioner told that the complainant that he has been transferred at Gurdaspur and he will be called for duty in 10/15 days. When the complainant asked the petitioner for salary, then he prolonged the matter on one pretext or the other. Thereafter, the complainant got checked the documents issued by the petitioner from Civil Surgeon, Civil Hospital, Amritsar and he told that all these documents are forged documents. He further submitted that the petitioner is not only peripheral participant but principal architect of the conspiracy. He further submitted 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 in the alleged fraud. Hence, he prays for dismissal of the petition.

6. After hearing learned counsel for the parties and considering the material available on record, this court is of the opinion that the allegations against the petitioner are serious in nature, involving cheating and forgery to the tune of Rs. 3,50,000/- on the false pretext of providing employment. The petitioner has been specifically named in the FIR and prima facie appears to be actively involved in the commission of the offence, rather than being a mere bystander. The material on record, including the issuance of forged documents and inducement of the complainant, indicates a well-planned modus operandi



CRM-M-14136 of 2026 **-4-**

which requires thorough investigation. In such circumstances, custodial interrogation of the petitioner appears necessary to unearth the complete conspiracy and to effect recovery of the defrauded amount. The pleas raised by the petitioner regarding false implication and lack of direct benefit cannot be examined in detail 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. 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 enroped 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.

XXX XXX XXX

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.

06.04.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No