

2026:PHHC:068969



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17869 of 2026

Sukhvir Singh ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	04.05.2026
2.	The date when the judgment is pronounced	05.05.2026
3.	The date when the judgment is uploaded on the website	05.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashish Gupta, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under



Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0140	22.07.2025	Baghapurana, District Moga	420 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Raj Kanwarjit Singh alleging therein that the petitioner had borrowed an amount of Rs.3,70,000/- from him and had gone to Malaysia. On reaching there, he had made a Whatsapp call to him asking him to send more money in Malaysia and assuring that he would return double of the same. On being induced by the present petitioner and the co-accused, Paramjit Kaur and Malkiat Singh, he parted with a sum of Rs.23,50,000/- which was transferred by him in bank account of 14 people by making online transaction as per the instructions of the petitioner. Subsequently, the petitioner failed to return the money so taken. By alleging that he had been duped at the hands of the petitioner and the co-accused, the complainant prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Moga vide order dated 27.02.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. An amount of Rs.13,74,000/- was

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transferred into the bank accounts of the co-accused by the complainant and on his demand, a sum of Rs.19,62,150/- has already been transferred by the co-accused in the bank account of the complainant. As per the allegations only an amount of Rs.3,70,000/- was paid in cash to the petitioner by the complainant though infact no such amount of money had been paid. The dispute between the parties is of civil nature which has been given a criminal colour. One of the co-accused in whose bank account money has been transferred has since been extended benefit of anticipatory bail. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned Assistant Advocate General, Punjab while relying upon the status report has argued that the allegations against the petitioner are serious in nature as he in connivance with the co-accused had induced the complainant to transfer different amounts of money in the bank accounts of the co-accused with intent to cheat him. The accumulative amount of all these transactions came to Rs.23,32,500/- though an amount of Rs.14,01,000/- out of Rs.23,32,500/- has been returned by the co-accused to the complainant but the remaining amount of Rs.9,31,500/- is yet to be returned. The petitioner had even issued a post dated cheque for an amount of Rs.2,70,000/- in favour of the complainant which has been dishonoured. The allegations show his active complicity in the crime. For conducting thorough investigation in the matter, his custodial interrogation is required.

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There is no exceptional circumstance for grant of pre arrest bail. It is, thus argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused is alleged to have cheated the complainant by duping him of an amount of Rs.23,32,500/- on the premise of giving double of the abovesaid amount to him. He is alleged to have got transferred different amounts of money to the bank accounts of the co-accused. An amount of Rs.9,31,500/- is still payable by him. The allegations make out a prima facie case for commission of aforementioned offences against him. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is required. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The Court must be circumspect while exercising such power for grant of anticipatory



bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.05.2026
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(MANISHA BATRA)
JUDGE

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