



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

CRM-M-19635-2026

Date of decision: 28.04.2026

AMARJEET SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Shubham Goyal, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG 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.174 dated 02.09.2025 registered under Sections 316(2), 318(4) BNS, 2023 at Police Station Mukerian, District Hoshiarpur.

2. Brief facts as per the prosecution case are that the petitioner along with co-accused induced the complainants namely Varinder Kumar and Ravinder Singh on the pretext of sending them abroad and duped them for a sum of Rs.,4,45,000/-. 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 there has been a delay of more than 02 years in lodging of the FIR thereby casting serious doubt on the prosecution story. He submits that the petitioner only provided professional assistance in preparing and submitting the documents to the Embassy and charged a nominal fee of Rs.5,000/- from each complainant. He submits that the petitioner never assured or guaranteed VISA to the complainants. He submits that there are no receipts or documentary evidence



submits that the principal allegations are against one Kishore Kumar who had allegedly induced the complainants and had received substantial amounts and the petitioner has been roped in to shift the burden. He further submits that the offence is exclusively triable by Magistrate. 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, Hoshiarpur, vide order dated 14.01.2026.

5. Learned State counsel has filed the status report in the matter and while relying on the same has 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 and he is specifically named in the FIR. He further argued that the petitioner along with other co-accused cheated the complainants on the pretext of sending them abroad and duped them with huge money and as such, he is the main perpetrator of the crime. 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. The present petition seeking anticipatory bail does not merit acceptance in light of the serious and prima facie allegations against the



dishonest intention, induced the complainants by portraying false assurances of facilitating their travel and settlement abroad, thereby showing them illusory greener pastures and exploiting their aspirations for a better livelihood. Such conduct reflects a calculated design to deceive innocent persons and extract money under false pretenses. The nature of the accusations, the manner in which the alleged offence has been executed, and the impact on unsuspecting victims collectively disclose a grave economic offence affecting public confidence. At this stage, custodial interrogation appears necessary to unearth the full extent of the modus operandi and to trace the misappropriated funds. Grant of anticipatory bail in such circumstances would not only impede effective investigation but may also embolden similar fraudulent activities. 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



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 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.

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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

28.04.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No