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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20771 of 2026

Sandeep Kumar... 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. Vikas Bishnoi, Advocate,
for the petitioner.

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

Mr. Ramandeep, Advocate,
for the complainant.

MANISHA BATRA, J.

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

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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
38	19.02.2026	Urban Estate, District Patiala	318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

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 Baldev Singh Mandal alleging therein that his son Sukhbir Singh Mandal was working as a Chef in a restaurant owned by accused Chanderpal in Australia since September 2024. The temporary visa of his son was to expire on 12.02.2025. Accused Chanderal offered to sponsor him of a sub-class 407 Training Visa and had filed a sponsorship and visa application on behalf of his son in February 2025. The said Chanderpal had paid the requisite Government expenses for that purpose but had told the son of the complainant to return the money so spent by him or otherwise to withdraw the sponsorship. His son had promised to pay the same to accused Chanderpal. Then accused Chanderpal asked the son of the complainant to give an amount of Rs.27,95,520/- in cash to his family members in India. The petitioner is the brother of accused Chanderpal. On asking of his son, the complainant gave the abovementioned amount in cash on 19.04.2025 to the petitioner, mother and sister-in-law of accused Chanderpal at his own residential house in presence of some witnesses which were kept by the petitioner and the co-accused. However,

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no document acknowledging receipt of the aforementioned amount of money was given by them. Rather sometime thereafter, the accused Chanderpal started demanding a sum of Rs.19,49,150/- from the son of the complainant otherwise extending threat to withdraw his sponsorship. Feeling scared, his son stopped working with him. On making inquiry, he came to know that only US dollars having value of Indian Currency to the tune of Rs.1,11,380/- had been spent by accused Chanderpal for sponsorship of son of the complainant.

3. As per the further allegations, the accused Chanderpal had also employed the daughter of the complainant for a period of three months but did not make any payment for the work done by her as a Venue Manager and she was forced to leave her work. By alleging that the complainant and his son had been duped at the hands of the accused Chanderpal, the petitioner who is his brother and other co-accused, the complainant prayed for taking action in the matter.

4. 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 has been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 02.04.2026.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, his brother Chanderpal who was running a restaurant business in Australia to move to some other city and

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had been approached by the son and daughter of the complainant to purchase all the articles kept in the restaurant of the brother of the petitioner for running restaurant. A written agreement was executed at between the brother of the petitioner and daughter of the complainant for purchase of such articles for US dollars 60,000/- but after making payment of USD 35,000/- only, the complainant moved this complaint against them when the co-accused Chanderpal demanded the balance amount. It is submitted that no amount of money whatsoever had been given to the petitioner by the complainant at any point of time. His custodial interrogation is not required. He is ready to join investigation. No recovery is to be effected from him. It is, thus, argued that the petition deserves to be allowed.

6. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has submitted that the allegations against the petitioner are serious in nature as he had connived with the co-accused and had extracted huge amount of money from the complainant on the premise of getting sponsorship of son of the complainant, confirmed in Australia. He had started exploiting the son and daughter of the complainant who were working with accused Chanderpal. The petitioner played an active part in extraction of money from the complainant. The call detail record of phone of the complainant and the present petitioner has been collected which shows the factum of frequent conversation between them on 19.04.2025. Even the tower location of phones of both of them was found to be of the residential house of the complainant on the abovesaid date. Huge amount of

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money was withdrawn from the bank account of the complainant and his family members during the period from 16.04.2025 to 19.04.2025 for the purpose of making payment to the petitioner and the co-accused. The petitioner is real brother of the principal accused Chanderpal and had been designated as an agent for collection of the fraudulently extorted money in India. He actively participated in coordination of receipt of amount of Rs.27,95,520/- in cash from the complainant. He even supervised accounting of the entire amount without giving any acknowledgement in a deliberate attempt to eliminate any documentary evidence of the transaction. For the purpose of conducting thorough and proper investigation in the matter, his custodial interrogation is must. The agreement which is relied upon by the petitioner is a totally fake and fabricated document as no such document had been executed by daughter of the complainant. There is no exceptional circumstance for extending benefit of anticipatory bail to the petitioner. It is, therefore, stressed that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner along with his family members is alleged to have connived with accused Chanderpal who is residing in Australia and in connivance with him, he along with the co-accused is alleged to have received an amount of Rs.27,95,520/- from the complainant on the premise of getting confirmed sponsorship of son of the complainant who was working with the accused Chanderpal, however, this is shown to have been done with an intent to cheat the complainant. The allegations against the

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petitioner and the co-accused are serious in nature. The call detail records of the mobile phones of the petitioner and the complainant prima facie strengthen the fact that the petitioner along with the co-accused had gone to the house of complainant on 19.04.2025 to receive the aforementioned amount of money from the complainant. At this stage, there is nothing on record to believe the version of the petitioner qua execution of some agreement between his brother and that is co-accused Chanderpal and daughter of the complainant. Taking into consideration the above discussed facts and the nature of the allegations, this Court is of the considered opinion that for conducting proper and thorough investigation in the matter, the custodial interrogation of the petitioner is must. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The Court has 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

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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.

9. 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