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**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-24925-2026

Decided on: 04.05.2026

Lakhan

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Zorawar Singh Chauhan, Advocate, for the petitioner.

Mr.K.D.Sachdeva, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.277 dated 24.12.2023, registered under Sections 406, 420, 465, 467, 468, 471, 120-B IPC, at Police Station Division No.6, Police Commissionerate Jalandhar.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Jasvir Singh, Director M/s Amrit Malwa Capital Limited, Jay ESS Tower, Jalandhar City. It was alleged that his company is registered with RBI and duly incorporated under the Indian Companies Act. The company is primarily engaged in the business of financing two wheelers. Deepak Kumar Chaudhary was the dealer of Automobiles and he approached the office of the complainant at Jalandhar by representing himself as a business man and that he was running a business under the name and style of M/s Deepak Motors. He assured them that he would be dealing with their company and would be financing the vehicles on behalf of their company. On his representation, the complainant's company entered into an agreement with him and started making advance payment to him in his bank account. A sum of Rs.1,71,78,879/- (Rupees One Crore Seventy One Lacs Seventy Eight



Thousand Eight Hundred Seventy Nine only) was transferred in the account of said Deepak Kumar Chaudhary. However, Deepak Kumar Chaudhary in connivance with the co-accused, who were the employees of their company, forged and fabricated the bills/invoices and filled the files regarding the financing of the vehicles by showing the same to have been sold to different persons whereas in reality, there was no such sale of vehicles and thus, they all in conspiracy with each other, misappropriated the amount, advanced by the complainant's company to Deepak Kumar. It was alleged that all the accused, in conspiracy with each other, misappropriated total amount of Rs.2,10,23,250/- (Rupees Two Crore Ten Lacs Twenty Three Thousand Two Hundred and Fifty only) by forging the bills/invoices in the names of different fictitious persons and the files of respective loan cases were prepared fraudulently and the record was also tampered in this regard. Request was made to take the legal action against all the accused. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner, namely, Lakhan was surfaced and thus, he was also arrayed as an accused in the present case. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of anticipatory bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 21.10.2024. Hence, the petitioner has approached this Court praying for grant of anticipatory bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in



the present case. He submits that the petitioner was not named in the FIR. He contends that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement of the co-accused, which is not even an admissible evidence. He further contends that the co-accused Deepak Kumar Chaudhary and Bansi Lal have been granted regular bail by this Court vide order dated 25.09.2025. He submits that nothing is to be recovered from the petitioner. He contends that in the fact and circumstances of the present case, no case as alleged against the petitioner is made out and thus, he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that transaction of Rs.6 lacs has been made in the account of the petitioner by creating false and fictitious person in the name of finance to the motorcycles. He further contends that lateron neither motorcycles were recovered nor amount has been returned and thus, to unearth the truth custodial interrogation of the petitioner is required. He, thus, submits that the present petition deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the statement of complainant Jasvir Singh. During the course of investigation, complicity of the petitioner was duly proved and Rs.6 lacs were found to be transferred in the account of the petitioner under the pretext of financing the motorcycles. However, lateron neither the motorcycles were recovered nor any amount has been returned, rather it was found that the loan was advanced in the name of fictitious persons. Thus, defrauded the complainant



and his company. As far as the contention raised by learned counsel for the petitioner that the co-accused has been granted regular bail by this Court is concerned, regular bail is granted after arrest and is considered on parameters distinct from those applicable to anticipatory bail, which is an extraordinary relief. The role attributed to each accused, the necessity for custodial interrogation, and the overall facts and circumstances of the case are required to be assessed independently in respect of each individual. Considering the gravity of the allegations, the nature of the accusations, and the requirement of custodial interrogation, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him*



from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disinterring offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities



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of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in her favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

04.05.2026

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No