



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

CRM-M-25269-2026

Date of decision: 26.05.2026

ADESH PUSHPINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Rahul Jindal, 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.62 dated 16.03.2026 registered under Sections 318(4), 61(2), 297 of the Bharatiya Nyaya Sanhita, 2023 and Section 7(3) of the Lotteries (Regulation) Act and Section 13-A of Gambling Act at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. Brief facts as per the prosecution case are that the petitioner being the President of an NGO-Asha Di Kiran operated an illegal lottery scheme in the name of social service without obtaining any permission or authorization from the government and duped innocent persons. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that no exact date, month, year or amount is mentioned by the complainant in his complaint. He submits that the petitioner is running an NGO and enjoys



a good reputation in the area, and that he has been falsely roped in the present case, as the General Assembly elections are scheduled to be held next year. The ruling party in the area, apprehending the loss of the upcoming elections, is pressurizing the petitioner to join their party. 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, Sri Muktsar Sahib, vide order dated 08.04.2026.

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 further argued that the petitioner being the President of Asha Di Kiran NGO organized and operated an illegal lottery scheme in the name of social/cow service by selling coloured lottery tickets to the general public containing photographs of prizes without obtaining any permission from the competent authority. He further submits that the petitioner had publicly announced that the draw of the lottery would be



conducted on 25.06.2025 near Panchayat Dharamshala, Bus Stand, Gidderbaha, however, no representative of the NGO appeared at the declared venue and subsequently draw was secretly conducted at another place in favour of their own known persons, thereby cheating innocent people for huge amounts of money. He further submits that during investigation it has also come to light that approximately 40,000 to 42,000 lottery tickets were sold at the rate of Rs.100/- per ticket and custodial interrogation of the petitioner is required to ascertain the exact amount collected from the public and the persons who received the proceeds of the illegal lottery, to unearth the modus operandi of accused; as well as to ascertain exact role of the petitioner as well as co-accuse. Hence, he prays for dismissal of the petition.

6. I have heard learned counsel for the parties and perused the record. The allegations levelled against the petitioner are serious in nature. The petitioner is specifically named in the FIR and is alleged to have organized and operated an illegal lottery scheme in the name of social/cow service without obtaining permission from the competent authority. As per the allegations, approximately 40,000 to 42,000 lottery tickets were sold to the general public at the rate of Rs.100/- per ticket, thereby involving a huge amount of public money. The investigation further reveals that although the draw was publicly announced to be held on 25.06.2025 at a disclosed location, however, the same was allegedly conducted secretly at another place in favour of known persons of the accused, thereby cheating innocent members of the public. At this stage, the exact role of the petitioner is yet to be ascertained and requires thorough investigation, for



which his custodial interrogation is stated to be necessary. The investigation is still in progress and important aspects, including the flow of the alleged cheated amount and the role of other accused persons, are yet to be examined. 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. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

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.

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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”.

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.

26.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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