



CRM-M-26058 of 2026

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

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CRM-M-26058 of 2026
Date of Decision: 21.05.2026

Mohit

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Mtual Singh Rana, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. Manjeet Singh Kajla, Advocate
for respondent No.2/complainant.

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.236 dated 12.11.2025 registered under Sections 316(2), 318(4), 61(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Dasuya, District Hoshiarpur.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, cheated the complainant for huge amount of money, on the pretext of sending him abroad.

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3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that the petitioner was neither any beneficiary, nor has received any amount in this regard. He further argued that if the prosecution version is believed to be true, even then the only allegation against the petitioner is that he only introduced the complainant to co-accused Happy Sabharwal and thereafter, all dealings, demands, representation and financial negotiations were carried out between the complainant and the said co-accused Happy Sabharwal. He further argued that it was the co-accused Happy Sabharwal who sent the complainant to USA. Moreover, the petitioner has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. 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 Sessions Judge, Hoshiarpur, vide order dated 24.12.2025.

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, she 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. She argued that the petitioner is specifically named in the FIR and has cheated and defrauded the complainant on the pretext of sending him abroad. She further argued that the petitioner had been



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accompanying co-accused Happy Sabharwal throughout the dealings with the complainant. She submitted that the petitioner has told the complainant that when he was truck in Mexico, then he will help him in crossing the border safely but he will have to pay Rs.23 lakhs. On 13.01.2025, 2019 US dollars, on 14.01.2025, 2010 US dollars and on 23.01.2025, 302 US dollars were got transferred to the bank account of the petitioner by Smt. Balwinder Kaur, paternal aunt of the complainant, which shows that Rs.36 lakhs has been received by the petitioner from the relatives of the complainant. She further argued that the complainant has produced remittance slips showing transfer of amount in US Dollars to the petitioner, which establishes the involvement of the petitioner in the crime. She further submits 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 effect recovery of the amount involved in the alleged fraud. Hence, he prays for dismissal of the petition.

6. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of bail to the petitioner, has contended that the petitioner has played an active role in the crime and thus, does not deserve the concession of bail.

7. Heard.

8. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He is alleged to have cheated and defrauded the complainant on the pretext of sending him abroad. He has allegedly received money from the complainant which *prima facie* points towards his involvement in the offence. The events in



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entirety indicate towards the existence of a bigger syndicate indulging in dubious immigration activities as a result of which, innocent victims end up being preyed upon by such illusory tactics. The 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.

9. 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."

10. 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 enroled 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”.

11. 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.

12. 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

21.05.2026

D.Bansal

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