



CRM-M-31881-2026

-1-

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

CRM-M-31881-2026

Decided on: 29.05.2026

Abhishek Malhotra

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Prabhjot Singh Mann, Advocate and
Mr. R.K. Dadwal, 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.84 dated 21.04.2026, registered under Sections 316(2) and 318(4) BNS, 2023, at Police Station Bassi Pathana, District Fatehgarh Sahib.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant, namely, Santosh Kumar. It was alleged that he and Sushil Kumar were employed in Railway Department from the last 12 years. The complainant knew Abhishek Malhotra @ Laddi (petitioner) as his father Deepak Kumar had family relations with him. Abhishek Malhotra @ Laddi allured the complainant and Sushil Kumar on the pretext of getting them promotion as he has very good relations with Railway Minister. On the assurance given by Abhishek Malhotra @ Laddi, the complainant and Satish Kumar gave Rs.9 lacs to him and one Harjit Singh by way of digital transfer as well as in cash, in order to get their work done. However, neither the promotion were arranged nor



their money was returned to them, and threatened the complainant. Hence, the complainant and Satish Kumar found themselves cheated by Abhishek Malhotra @ Laddi and request was made to take legal action. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Fatehgarh Sahib, 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 15.05.2026. 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 petitioners that the petitioner has been falsely and frivolously implicated in the present case. He submits that it is not believable that the complainant and Satish Kumar, both being employed in the Railway Department, could have been deceived or defrauded by the petitioner. He submits that even otherwise, the dispute is totally civil in nature, which has been given criminal colour. He submits that the main accused is Sanjay, who had taken the alleged amount from the complainant and Satish Kumar, who had already given an affidavit alongwith a cheque of Rs.9 lacs in favour of the complainant and Satish Kumar. He, thus, submits that no direct role whatsoever is attributed to the petitioner in the alleged occurrence. He further submits that there is nothing on record to show that even a single transaction, online transfer, cheque payment or financial entry in the bank account of the petitioner, rather the alleged payment was made in the account of Harjit Singh. He, thus, contends that in the facts and



circumstances of the present case, no *prima facie* case is made out against the petitioner, and hence, he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He contends that there are serious allegations of cheating against the petitioner. He has submitted that the petitioner defrauded the complainant and Satish Kumar by taking amount of Rs.9 lacs from them on the pretext of getting them promoted in the Railway Department. Rather, the petitioner projected himself to be known of the Railway Minister, which constitutes a serious matter requiring thorough investigation. He, thus, submits that in the facts and circumstances of the present case, custodial interrogation of the petitioner is required and hence, he prays for dismissal of the present petition.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the allegations levelled in the FIR *prima facie* disclose the involvement of the petitioner in inducing the complainant and Satish Kumar to part with a substantial amount on the pretext of securing promotions in the Railway Department. The plea taken by learned counsel for the petitioner that the dispute is civil in nature is devoid of merit in view of the specific allegations regarding inducement and cheating. The argument that the amount was transferred to the account of another person also does not absolve the petitioner from the allegations attributed to him, which require thorough investigation.



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 disintering 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 insulted 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 disintering 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 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 petitioners 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 their favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

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

29.05.2026

sharmila

Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

:

:

Yes/No

Yes/No