



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

102

CRM-M-36659-2025 (O&M)
Date of decision: 09.03.2026

Vivek Sohal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.S. Dadwal, Advocate for the petitioner

Ms. Gagandeep Kaur, DAG Punjab

Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Udaiveer Sidhu, Advocate for the complainant

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.91 dated 28.06.2025, registered under Sections 318(4), 316(4) BNS, at Police Station Bullowal, District Hoshiarpur.
2. Learned counsel submits that the petitioner was a regular employee of Sonalik Agro Solutions and false allegation of taking commissions from companies that deal with the organisations have been raised against him on account of the information given by him in his resignation letter dated 04.06.2025, Annexure P-4. Moreover, out of the amounts received by him, some were earned by his wife as commission while sitting at home, while others were by way of a loan, etc and not from the vendor of the complainant-company. He is ready to join the investigation to explain all the entries.



3. On the other hand, learned State counsel as well as learned Senior counsel for the complainant, oppose the bail by relying on account statements produced during the course of hearing and submitting that the petitioner being a regular employee working at the post of Assistant Manager, Purchase has received Rs.5,57,436/- in his ICICI bank account from 16.09.2020 to 01.11.2024 as also cash deposits amounting to Rs.8,02,500/- in his IDFC bank account from various vendors like Kaloti Engineering, Avneet Enterprises, etc of the complainant-company. There have been cash and cheques deposited in the accounts of his wife as well, totaling to approximately Rs.11 lakh. As regards the resignation letter/complaint dated 04.06.2025, Annexure P-4, being pressed into service to show that it was on account of the same that he has been falsely implicated, it was contended that the complaint had been instituted on 29.05.2025 and it is after enquiry that the FIR came to be registered on 28.06.2025. In order to ascertain the *modus operandi*, his custodial interrogation is imperative and there are concerns that he may also influence the witnesses or tamper with evidence.

4. Heard.

5. It would be apposite to refer to the status report dated 21.07.2025 filed by Deputy Superintendent of Police, Sub-Division Rural, District Hoshiarpur, relevant paras whereof read thus:

“THE EVIDENCE BASED ON WHICH THE PETITIONER WAS ARRAYED AS AN ACCUSED.

2. That it is humbly submitted that the complainant Rajnish Kumar Sandal submitted an application No.868-SSP dated 29.05.2025 to SSP, Hoshiarpur against the petitioner and Maninder Singh that companies are manufacturers of Sonalika Brand of Tractors, Rotavators and other agricultural equipments for which they have different unites in District Hoshiarpur. One Vivek Sohal is working with M/s Sonalika Agro Industries Corporation for so many years and is in the managerial post whereby he is dealing with various suppliers and vendors and is responsible to procure various materials for manufacturing of agricultural equipments. The said Vivek Sohal in connivance with Maninder Singh used to follow up



with the suppliers and vendors and used to settle commission by threatening the suppliers and vendors that they will not allow the company to release purchase orders in future and under their threats and official pressure reject their supplies and their goods material. They used to grab the huge amounts from the various suppliers and vendors. The company got the tip about this scandal being going on for the last more than 2-3 years and during internal investigation, it has been found that Vivek Sohal and Maninder Singh have received huge amounts by cash and by transfer into their bank accounts from various vendors. The Bank Account of Maninder Singh is 50100249520173 HDFC Bank, Improvement Trust Branch Hoshiarpur. Mr.Vivek Sohal has taken the huge amount from various vendors in the account of his wife Rajinder Kaur also, who have an account in HDFC Bank Chandigarh Road Branch Hoshiarpur bearing Account no.50100526739647, although she is a housewife and it is apparent from the aforesaid statement of account of Rajinder Kaur that there are so many entries of huge amount in her account from the vendors which has been produced by complainant in investigation. It is pertinent to mention here that Rajinder Kaur wife of Vivek Sohal in connivance with her husband used to transfer these amounts from her HDFC Bank account to account of her husband Vivek Sohal in ICICI Bank bearing account no.218001505274 and IDFC bank bearing account no.10147467598 from time to time in the IDFC bank bearing account no.10147467598 Vivek Sohal has also taken amount from different vendors and entries of huge amount is reflecting in his bank account at Milargani Branch. Both these persons were confronted with transfer of these huge amounts by procuring their bank account statements and they started threatening the company Officers that they will make this news public and also lower the reputation of the company among the dealers, vendors etc. and admitted that they have done the same in connivance with many other company employees as well as outside help and they caused huge loss to the tune of more than Rs.2 crores which have been unearthed so far which requires to be investigated thoroughly after registration of FIR and arrest of these two persons. They have committed fraud with the company by tempering the record, obtaining illegal money from the suppliers and vendors and causing huge loss to the company, which amounts to a clear cut case of misappropriation, fraud, criminal conspiracy, criminal breach of trust and preparation of false record.

3. That it is submitted that the aforesaid application was marked for preliminary inquiry to SHO, P.S. Bullowal, District Hoshiarpur upon which the allegations levelled in the aforesaid application found to be correct against the petitioner and co-accused Maninder Singh in the preliminary inquiry. After that the SHO, P.S. Bullowal, District Hoshiarpur recommended to register a case U/s 318(4), 316(4) of BNS and sent the



preliminary inquiry report to SSP, Hoshiarpur for further action. On this, the SSP, Hoshiarpur directed the SHO, P.S. Bullowal to register a case and to investigate the case. Accordingly, FIR No. 91 dated 28.06.2025. Under Sections: 318 (4), 316 (4) BNS was registered at Police Station: Bullowal, Distt. Hoshiarpur against the petitioner and co-accused Maninder Singh.

4. That it is submitted that the police of P.S. Bullowal, Hoshiarpur are conducting raids upon the residential house of the petitioner and accused Maninder Singh with a view to arrest them but in a bid to evade their arrest the petitioner and accused Maninder Singh have absconded from their houses anticipating their arrest in the present case. The police of P. S. Bullowal, Hoshiarpur are intensifying their efforts to arrest the petitioner and accused Maninder Singh and their arrest is imminent.

5. That it is submitted that the police of P.S. Bullowal, Hoshiarpur are carrying out investigation of the present case. Upon culmination of the investigation of the present case, the charge sheet will be presented in the Ld. Trial Court at Hoshiarpur.

ROLE OF PETITIONER

6. That it is submitted that the present FIR was registered against the petitioner and co-accused Maninder Singh after a preliminary inquiry conducted by SHO, P.S. Bullowal, District Hoshiarpur. It was found in the preliminary that the petitioner was Manager in agro Industry Thrasher Unit of Sonalika Group and as per bank statements of HDFC, ICICI and IDFC Bank, from the period of 2021-2025 there are transaction of Rs.70,83,560/- in the above said banks of the petitioner. The co-accused Maninder Singh is an Engineer in Sonalika Rotavator purchase division and as per bank statements of HDFC Bank of co-accused Maninder Singh for the year 2023 to 2025, Rs.96500/- were transferred by Shivam Katiyal of Allied Auto Mobile Industry in the above said account of co-accused Maninder Singh and Rs.21000/- was transferred by Ravtresh Kaloti supplier of Cold Maticforge in the above said account of co-accused Maninder Singh and thereby the petitioner and co-accused Maninder Singh caused loss of Rs.2 Crore with the Sonalika Company by committing fraud of Rs.72,100,60/-. The custodial interrogation of the petitioner is very much required for proper investigation of the present case. Therefore, the present petition is liable to be dismissed.

EVIDENCE AGAINST THE PETITIONER

7. That it is submitted that the present FIR was registered against the petitioner and co-accused Maninder Singh after an preliminary inquiry conducted by SHO, P.S. Bullowal, District Hoshiarpur. It was found in the preliminary that the petitioner was Manager in agro Industry Thrasher Unit



of Sonalika Group and as per bank statements of HDFC, ICICI and IDFC Bank, from the period of 2021-2025 there are transaction of Rs.70,83,560/- in the above said banks of the petitioner. The co-accused Maninder Singh is an Engineer in Sonalika Rotavator purchase division as per bank statements of HDFC Bank of co-accused Maninder Singh for the year 2023 to 2025, Rs.96500/- were transferred by Shivam Katiyal of Allied Auto Mobile Industry in the above said account of co-accused Maninder Singh and Rs.21000/- was transferred by Ravtesh Kaloti supplier of Cold Maticforge in the above said account of co-accused Maninder Singh and thereby the petitioner and co-accused Maninder Singh caused loss of Rs.2 Crore with the Sonalika Company by committing fraud of Rs. 72,100,60/-”

6. The anticipatory bail of the petitioner was dismissed by the trial Court vide order dated 07.07.2025, observing thus:

“As per allegations of the prosecution, applicant-accused in connivance with his co-accused Maninder Singh committed fraud of more than Rs.2 crores with the complainant company by preparing false record. It is a case of embezzlement of huge amount of more than Rs.2 crores. Investigation of the case is still pending. The role and involvement of the applicant-accused in the crime is yet to be ascertained during investigation. So far as the contentions raised by learned counsel for the applicant-accused, these are matter of evidence. Allegations against the bail applicant/accused are of grave and serious nature. So, keeping in view the seriousness and gravity of the allegations, no ground is made out to grant the benefit of pre-arrest bail. Therefore, this bail application is dismissed...”

7. Hon'ble the Supreme Court in **Sumitha Pradeep vs. Arun Kumar C.K.**, 2022 SCC OnLine SC 1529, observed that requirement of custodial interrogation is not the only ground to decide the grant of anticipatory bail. The relevant para reads thus:

“In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There



may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the *prima facie* case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the *prima facie* case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon’ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

“6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

“438. Direction for grant of bail to person apprehending arrest.-

(1) Where 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 that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-

(i) The nature and gravity of the accusation;

(ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.



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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

9. Hon’ble the Supreme Court in the case of **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, has observed that, “Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is



convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

10. Even otherwise, the petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon’ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP CrI. No. 18200-2025, vide judgment dated 06.01.2026.

11. It is trite law that anticipatory bail is not a right that may be granted in every other case. The Court has to take into consideration the factual matrix and after its utmost satisfaction, grant it only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of the accused interfering in the path of justice.

12. In the case at hand, there are specific and grave allegations against the petitioner of having acted in conspiracy with the co-accused, by cheating the complainant, thereby causing a huge financial loss to the tune of Rs.2 crores. An additional affidavit has been filed on his behalf to show that Rs.99,000/- had been taken as a temporary loan from a vendor of the complainant-company, for which, a letter dated 05.08.2025, has been placed on record as Annexure P-12, i.e. after filing of the present petition, for which no explanation could be offered. Further, regarding Rs.3,67,690/-, it has been stated in para 6(ii) thereof that his wife was working as a Commission Agent, however neither any document in this regard nor details of companies with which she was working, have been referred to or produced. Moreover, cash and cheques have been deposited in their multiple bank accounts by the vendors of the complainant-company, for which neither any plausible justification has been advanced nor any satisfactory reason furnished.



13. Considering the above in light of the foregoing judgments and the apprehensions expressed that the petitioner may influence the witnesses or tamper with the evidence, this Court finds that couching him in a comparative safety of pre-arrest bail will impede the thorough and effective investigation to elicit the truth and would be detrimental to the same, which is stated to be still underway.
14. In view of the foregoing discussion, the present petition is hereby dismissed, being devoid of merit.
15. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

(AMAN CHAUDHARY)
JUDGE

09.03.2026
M.Kamra

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