



CRM-M-41724-2025 (O&M)

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

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CRM-M-41724-2025 (O&M)

Date of decision : 16.02.2026

DR. MANISH KUMAR

.....PETITIONER

Versus

U.T .OF CHANDIGARH AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Jashan Preet Singh Deol, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor
for U.T. Chandigarh.

Ms. Tajinder Kaur, Advocate
for the respondent No.2.

SURYA PARTAP SINGH, J. (Oral):

1. This is a petition for pre-arrest bail filed by the petitioner with regard to a case arising out of FIR No.14 dated 19.12.2024 under Sections 420, 406, 467, 468, 471, 120-B of the Indian Penal Code, Police Station Economic Offence Wing, Chandigarh.

2. In nut-shell the facts emerging from record are that in December, 2022, the petitioner introduced himself to the complainant as an employee of 'Coal India Limited' and invited the complainant to New Delhi to discuss the business proposals. According to complainant with dishonest intentions to



defraud the complainant, the petitioner had claimed that three subsidiaries concerns of 'Coal India Limited' namely 'Bharat Coking Coal Limited', 'Central Coal Fields Limited' and 'Mahanadi Coal Fields Limited' had floated tenders for supply of 'Antiseptic Disinfectant Liquid', 'Hand Sanitizers' and 'Cough Syrup'. According to the complainant the petitioner alongwith his co-accused Shalini Saxena told the complainant that being an employee of 'Coal India Limited' he was having good links with the high officials of 'Coal India Limited' and its subsidiaries. As per complainant it was also assured by the petitioner that he would easily get the tender of complainant approved/accepted as his father, too, was employee of 'Bharat Coking Coal Limited' having good contacts up to Chairman level in 'Coal India Ltd.'

3. In addition to above, the complainant also alleged that the application form for applying the tenders were filled by the petitioner in his own handwriting on behalf of complainant, and on 19.12.2022, when the complainant was supposed to pay the Earnest Money Deposit (EMD) to the subsidiaries of 'Coal India Limited', the petitioner proposed that it would be difficult for the complainant to complete the entire process, and therefore, suggested the complainant to send the money in the bank account of the petitioner, so that he would be in a position to pursue the tender process.

4. According to complainant the petitioner and his co-accused had even issued fake receipt of 'Earnest Money Deposit' for a sum of Rs.12,00,000/-, and that it was assured by them that the receipt with regard to remaining amount would be given soon. It was also alleged by the complainant that two work orders dated 30.12.2022 for Cough Syrup and Sanitizers were



supplied by the petitioner to the complainant, and that on 11.02.2023 petitioner called the complainant to Delhi to collect work order for Antiseptic Disinfectant Liquid and asked for 35% payment vide payment advice letter dated 10.02.2023.

5. It was further stated by the complainant that on 23.02.2023 the son of complainant namely Mayank Kaushik was called at Delhi and he was asked to arrange new tender work for supply of Rota capsules. As per complainant in order to convince them, the petitioner presented two pre-drafted memorandum of understanding between 'Bharat Coking Coal Limited' and company of complainant for supply of 70% alcohol based sanitizer and cough syrup. It was also alleged by the complainant that in order to win confidence of the complainant a post dated cheque, worth Rs.14,85,00,000/- bearing No.098856 dated 03.07.2023 was also issued by the petitioner, and that in the above-mentioned process the complainant paid a sum of Rs.1,54,85,000/- to the petitioner. As per complainant despite payment neither the work order was arranged for the complainant nor the money was returned.

6. It is the case of the prosecution that in view of above-mentioned complaint, formal FIR of this case was lodged and the investigation taken up.

7. Heard.

8. It has been contended on behalf of petitioner that the FIR in question has been filed on the basis of false and baseless allegations. As per learned counsel for the petitioner in fact the deal between the complainant and the petitioner was with regard to advancement of loan and in that regard even two agreements worth Rs.30,00,000/- and Rs.35,00,000/- were executed



between the complainant and the petitioner. It has also been contended by learned counsel for the petitioner that as per above-mentioned loan agreement when the petitioner could not return the money in time, a dispute of civil nature has been converted into a criminal case by cooking up a false story with regard to tender for supply of medicines to the subsidiaries of 'Coal India Limited'.

9. In addition to above, the learned counsel for the petitioner has also contended that the present case was referred to Mediation centre also, and that before the Mediator the parties had arrived at a compromise. As per learned counsel for the petitioner in view of above-mentioned compromise the money was supposed to be returned by the petitioner in installment but due to financial difficulties the petitioner could not pay the installment for the month of January, and that by extending the above-mentioned time for repayment of money the petitioner be accorded the benefit of anticipatory bail.

10. The learned State counsel being supported by learned counsel for the respondent No.2 has controverted the above-mentioned arguments. According to learned counsel for the respondent No.2 in the present case the petitioner is a person against whom there are allegations of creation of false documents in the name of a Government company and also of cheating the complainant for a sum of Rs.14,85,00,000/-. According to learned counsel for the respondent No.2, the petitioner is a person, who has a long criminal history and he is facing similar kind of several FIRs at different places. According to learned counsel for the respondent No.2 even in the present petition for anticipatory bail the petitioner has breached the terms and conditions of



compromise arrived at before the Mediator, and therefore, he is not entitled for a lenient view, irrespective of the fact that a part of cheated money has been returned by the petitioner.

11. The learned State counsel has contended that in the present case there are very specific and categorical allegations against the petitioner qua the fact that he had prepared false documents i.e. work order and memorandum of understanding on behalf of a Government company, and that in order to unearth the *modes operandi* of the petitioner and to find out the role of various persons involved in the above-mentioned act, custodial interrogation of the petitioner is necessary. It has also been contended by learned State counsel that otherwise also once there are allegations for the commission of offence punishable under Sections 467, 468 and 471 IPC, the offence is rendered non-compoundable, and therefore, mere payment of money to the complainant cannot be a ground for grant of anticipatory bail to the petitioner.

12. The record has been perused carefully.

13. A perusal of record shows that in the present case there are very specific and categorical allegations qua the fact that the petitioner not only cheated the complainant for a huge sum of money, but also prepared forged documents to gain confidence of the complainant. The above-mentioned act and conduct of the petitioner justify the contention of learned State counsel that in order to unearth the *modus operandi* or the act of the petitioner and to find out the role played by the petitioner in the commission of offence, his custodial interrogation is necessary.



14. In addition to above, it is also relevant to note here that the record shows that on the request of learned counsel for the petitioner, the present dispute was referred to Mediation Centre, wherein the petitioner had given an undertaking to return the money in installment to the complainant but the petitioner has defaulted in complying with the above-mentioned condition also

15. Taking into consideration the above-mentioned facts and circumstances this interference can be drawn that the petitioner has been playing hide and seek with the Court also.

16. With regard to the benefit of anticipatory bail the guiding principles has been laid down, the Hon'ble Supreme Court in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

17. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

18. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another Special Leave



Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024', the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

19. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565', the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

20. If the factual matrix of the present case, discussed in the foregoing paragraphs, is analyzed in the light of above-mentioned principles of law, it transpires that in the present case any ground which can invite the exercise of jurisdiction for grant of anticipatory bail, does not exists in favour of petitioner.

21. Thus, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby dismissed, accordingly.



22. All other pending applications, if any, are also disposed off, accordingly.

(SURYA PARTAP SINGH)
JUDGE

16.02.2026

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