

CRM-M-45887 of 2024

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

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**CRM-M-45887 of 2024
Date of Decision: 22.01.2026**

Harsimrat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Prince Sharma, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

Mr. Ranjodh Singh Sidhu, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

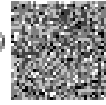
1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.42 dated 30.07.2024 registered under Sections 318(4) of BNS, 2023, at Police Station Verowal, Tehsil & District Tarn Taran.
2. Brief facts as per the case of the prosecution are that the petitioner in collusion with other co-accused, under a pre-planned conspiracy, duped the complainant for a sum of Rs.9,50,000/- under the pretext of sending his son abroad. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern or

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involvement with the alleged fraud. He argued that the petitioner has never taken any amount from the complainant and the alleged money was paid to co-accused Satinder Kaur. He further argued that as per allegations the alleged money was given in the month of March, 2019 and the FIR in question was registered on 30.07.2024 i.e. after an unexplained delay of 05 years, casting serious doubt on the prosecution story. In fact, the petitioner is an agriculturist and is not running any travel agency. He further argued that the dispute in the present case is of civil nature, which has been given a criminal colour by registering false FIR only to harass the petitioner. Further, co-accused namely Joginder Singh and Sarabjit Kaur (i.e. father and mother of the petitioner) have already been granted the concession of anticipatory bail by the Court of learned Additional Sessions Judge, Tarn Taran, vide order dated 21.08.2024 (Annexures P-4 and P-5). Learned counsel for the petitioner further submits that the custodial interrogation of the petitioner is not required for any recovery and he 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, Tarn Taran, vide order dated 21.08.2024.

5. On the other hand, learned State counsel has already filed the status report in the matter and while relying upon the same, has opposed the



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prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature and he has played an active role in the crime. He argued that the petitioner has been specifically named in the FIR. He further submitted that the petitioner used to run immigration agency without any licence and he in connivance with co-accused had cheated and defrauded the complainant and also gave forged Visa to him. He further submitted that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter as well as to find out the modus operandi of accused and to effect recovery of the money involved in the alleged fraud. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case. Hence, he prays for dismissal of the petition.

6. Learned counsel for the complainant, while opposing the prayer for grant of regular 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. 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:

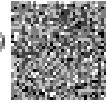


"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous 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. 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. In the present case, as per the reply filed by the State, the present petitioner along with other co-accused had cheated and defrauded the complainant for a sum of Rs.18,50,000/- on the pretext of sending his son abroad. The 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. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. 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/investigation.

22.01.2026
monika

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned :*Yes/No*

Whether reportable :*Yes/No*