

CRM-M No.49085 of 2025 -1-
CRM-M No.53502 of 2025
CRM-M No.54265 of 2025

2026:PHHC:072298



133 (03 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.49085 of 2025

Jaswant Singh Petitioner

Versus

State of PunjabRespondent

2. CRM-M No.53502 of 2025

Hira Singh Petitioner

Versus

State of PunjabRespondent

3. CRM-M No.54265 of 2025

Harjot Singh @ Jyoti Petitioner

Versus

State of PunjabRespondent

Date of Decision: 08.05.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanawar Ali, Advocate in CRM-M-49085-2025
Mr. Harnoor Singh Sidhu, Advocate in CRM-M-53502-2025
Mr. Siddharth Gupta, Advocate (through V.C.)
in CRM-M-54265-2025
for the petitioner(s).

Mr. K.D. Sachdeva, D.A.G., Punjab assisted by
I.O. Jasveer Singh.



Mr. Deepak Goyal, Advocate and
Mr. Bhupinder Gupta, Advocate for the complainant.

RAJESH BHARDWAJ, J.

1. By way of this common order, this Court intend to dismiss abovesaid three petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of present petitions praying for granting them anticipatory bail in case FIR No.129 dated 16.07.2025, under Sections 316(2), 318(4) and 61(2) of BNS, registered at Police Station City Dhuri, District Sangrur.
3. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, Harpreet Singh on the allegations that Harpreet Singh Kaithal (real name Harjot Singh @ Jyoti, petitioner in CRM-M-54265-2026), Jaswant Singh (petitioner in CRM-M-49085-2025), Gurdeep Singh, Ravi (real name Jameel Khan), Hira Singh (petitioner in CRM-M-53502-2025) along with one more person had duped the complainant for a sum of Rs.16,25,000/-. It was alleged that the accused persons in conspiracy with each other have formed a gang and cheated the complainant on the pretext of purchasing of horse and then making him to sell the said horse to accused-Jaswant Singh, at much lower rate. Thus, request was made to take the legal action against the accused persons. On registration of the FIR, the investigation commenced. Apprehending his arrest, petitioners approached the Court of learned Additional Sessions Judge, Sangrur



praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, learned trial Court, Sangrur dismissed the petitions filed by the petitioners vide orders dated 05.08.2025, 29.08.2025 and 08.08.2025, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of anticipatory bail.

4. Learned counsels for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present FIR. It is submitted that the dispute in the present case is purely of civil nature, which has been given a colour of criminal nature. It is submitted that a complaint under Section 138 of NI Act, is already pending against petitioner-Jaswant Singh. It is submitted that nothing is to be recovered from the present petitioners. It is fairly submitted that the petitioners were granted interim anticipatory bail by this Court vide orders dated 22.12.2025 and 14.01.2026, respectively and thereafter, the matter was referred to the Mediation and Conciliation Centre of this Court, for exploring the possibility of an amicable settlement vide order dated 10.04.2026. However, the same remained a partial compromise. It is submitted that the petitioners are still ready to settle the matter with the complainant. It is thus, submitted that there being no *prima facie* case having been made out against the petitioners, they deserve to be granted anticipatory bail.

5. Learned counsel for the complainant has vehemently opposed the submissions made on behalf of the petitioners and has



submitted that the petitioners along with Jameel Khan, in a well hatched conspiracy, had duped the complainant on the pretext of purchase of horse for an amount of Rs.16,50,000/-. He submits that even otherwise, when the complainant initiated to settle the matter with the petitioners, they backed out from the same as the petitioners are not ready to return the amount. He submits that *prima facie* case has been found to have been made against the petitioners and thus, they do not deserve the concession of anticipatory bail.

6. Learned State counsel has also opposed the submissions made on behalf of the petitioners and submits that the petitioners in conspiracy with co-accused, namely, Jameel Khan, have duped the complainant for an amount of Rs.17 lacs (approx) on the pretext of purchase of horse from Hira Singh and then making the complainant to sell the same to other co-accused. He submits that petitioner-Harpreet Singh Kaithal (real name Harjot Singh @ Jyoti) is the master mind of this conspiracy who involved and compelled the complainant to pay for the horse to petitioner-Hira Singh and then sell it to petitioner-Jaswant Singh at a lower price, who further gave two cheques which got dishonoured upon presentation and thus, a complaint under Section 138 of Negotiable Instruments Act, was filed, which is pending consideration. He submits that co-accused, Jameel Khan, had played an active role in the commission of this offence, who acted as a mediator for the sale and purchase of the horses. He has further submitted that co-accused Jameel Khan, is a habitual offender, who is involved in other cases as well for



the commission of the offence of similar nature, however, in the present FIR, he has been granted the concession of anticipatory bail by this Court vide order dated 22.12.2025, passed in CRM-M-46681-2025. It is *prima facie* established that the petitioners in conspiracy with co-accused, namely, Jameel Khan, had committed a heinous offence. Thus, the custodial interrogation of the petitioners along with co-accused Jameel Khan, is required for a free and fair investigation. He further submits that the case is under investigation. He submits that no case for grant of anticipatory bail to the petitioners, is made out and thus, the present petitions deserve to be dismissed and the anticipatory bail granted to co-accused, namely, Jameel Khan, needs to be recalled.

7. On hearing of the counsel for the parties and perusing the record, it is deciphered that the present FIR has been lodged against the present petitioners, who are specifically named in the FIR, on the allegations that they in connivance with co-accused, namely, Jameel Khan, defrauded the complainant for an amount of Rs.16,50,000/- for sale and purchase of a horse. Perusal of the record shows that during the course of arguments, the petitioners were ready to settle the matter with the complainant, and on account of the same, they were granted the concession of interim anticipatory bail by this Court and the matter was referred to the Mediation and Conciliation Centre of this Court and the same remained a partial compromise. However, now the petitioners backed out from the partial compromise as well. There is nothing on record to show their *bona fide* regarding compromising the matter with



the complainant. As submitted before this Court, co-accused Jameel Khan, who is a habitual offender and has also played an active role in the whole incident, was granted the concession of anticipatory bail by this Court vide order dated 22.12.2025, passed in CRM-M-46681-2025, however, his custodial interrogation is very much required for unravelling the mystery.

8. It is *prima facie* established that the petitioners in conspiracy with co-accused, namely, Jameel Khan, had committed cheating with the complainant on pretext of selling horse. Needless to say that the case is under investigation and the allegations against the petitioners are serious in nature. For free and fair investigation, custodial interrogation of the petitioners as well as co-accused, Jameel Khan, is very much required.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

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.”*

10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other*



considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, 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 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations 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.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the FIR is under investigation and in the facts and circumstances, custodial interrogation of the petitioners as well co-accused, namely, Jameel Khan, would be essential and granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioners do not qualify for the grant of anticipatory bail and the present petitions are hereby dismissed.

14. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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