



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

216

CRM-M-51227-2025 (O&M)
Date of Decision:- 19.01.2026

Binder ... Petitioner
Versus
State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Rajinder Kumar Bajaj, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Vikram Bhaskar, Advocate for respondent No.2.

SUBHAS MEHLA, J. (Oral)

1. The instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been filed for grant of anticipatory bail to the petitioner in case FIR No.195 dated 13.08.2025, registered under Sections 318(4) and 316(2) of BNS Act, 2023, at Police Station City Phagwara, District Kapurthala.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case as he has no connection with the alleged offence. Only his son is doing the business of sale and purchase of the cars. It is further contended that there is a business transaction between the complainant and petitioner's son and a civil litigation has been converted into a criminal matter. A civil suit has also been filed by the petitioner himself.



3. Learned State counsel opposed the prayer made by learned counsel for the petitioner by submitting that the custodial interrogation of the petitioner is required to collect evidence as they have sold the vehicle on the basis of forged and fabricated documents; regarding this, IO has recorded the statement of victim as well as complainant. Thus, learned State counsel prayed for dismissal of the anticipatory bail petition.

4. Learned counsel for the complainant has also opposed the prayer of learned counsel for the petitioner by submitting that 19 vehicles had been handed over to the present petitioner for further sale and the documents regarding the transfer of ownership of the vehicles are lying with the complainant but without consent of complainant, the present petitioner has sold out vehicles on the basis of forged and fabricated documents and thus, duped the complainant to the tune of Rs.20 Lakhs.

5. Heard.

6. Keeping in view the facts and circumstances of the present case and contentions of learned counsel for the parties, the allegation against the present petitioner is that he along with his son is running a firm regarding sale and purchase of pre-owned vehicles and the complainant had handed over 19 vehicles, however, the original documents of the same are lying with the complainant and the petitioner sold out the said vehicles without the consent of the complainant, this Court is not inclined to grant concession of anticipatory bail to the petitioner as custodial interrogation of the petitioner is required to conduct an in-depth probe to elicit the intricate details of manner of commission of offence and for recovery of vehicles.



CRM-M-51227-2025 (O&M) (3)

7. The case wherein custodial interrogation is required, the benefit of discretionary relief of anticipatory bail should not be granted as observed in the ratio of law laid down in a case titled as ‘**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806’ decided on 03.08.1997**, by holding that many useful informations and concealed materials may be elicited from a suspect in custody, than a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.
8. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.
9. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

19.01.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No