

2026.PHHC.025853



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-56925-2025

Date of decision: 18th February, 2026

Sanjiv Kumar @ Sanjeev Kapoor and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dinesh Nagar, Advocate and
Mr. Ashish Nagar, Advocate for the petitioners.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. G.B.S. Dhillon, Advocate with
Mr. J.S. Bajwa, Advocate
for respondents No. 2 and 3-complainants.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of anticipatory bail in case bearing FIR No. 285 dated 26.09.2025 registered under Sections 406 and 420 of IPC at Police Station Division No.5, District Police Commissionerate, Ludhiana.

2. The aforementioned FIR was registered on the basis of a complaint jointly submitted by the complainants Vijay Laxmi and Ashma Goyal alleging therein that the present petitioners, who are real brothers, were

2026.PHHC.025853



living in their neighbourhood and were well acquainted with them. During the COVID period, they approached the complainants and their husbands and demanded a sum of Rs. 50 lakh by saying that they had suffered huge loss in business and required money. They assured to repay the same within six months. Keeping in view their good relationship, the complainants had offered their gold ornaments for the purpose of helping the petitioners as they were not having cash money at that time. The petitioners themselves had assured that untill the gold was returned by them, they would pay interest at the rate of 1% on the value of gold ornaments which at that point of time was Rs. 40 lakh. However, they failed to either pay any interest or return the gold ornaments. On insistence of the complainants, two cheques of the amount of Rs. 20 lakh each were issued by them, but these cheques were also dishonoured. By alleging that the petitioners had taken their gold ornaments with dishonest intention to not to return the same and to usurp the same and thereby they had cheated the complainants, the complainants prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Ludhiana, which was dismissed vide order dated 06.10.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. The complainants had never given any gold articles to them at any point of time and a false story has been concocted

2026.PHHC.025853



in this regard. In fact, there were business transactions between the parties. The dispute between them is purely of civil nature. Rather the complainants had retained five cheques issued by the petitioners as security cheques for continuing business transactions and by turning dishonest, had presented two of those cheques, though there was no legally enforceable liability. The complainants have not produced any document whatsoever on record to show that any gold article was given by them to the petitioners. The ingredients for commission of offences under Sections 406 and 420 of IPC are not attracted qua them. These offences are even otherwise antithesis to each other. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. It is, therefore, argued that the petition deserves to be allowed.

4. Mr. J.S. Bajwa, Advocate has put in appearance on behalf of the complainants and has filed his *Vakalatnama*.

5. Learned State counsel assisted by learned counsel for the complainants has vehemently argued that there are serious and specific allegations against the petitioners. For conducting thorough and proper investigation, their custodial interrogation is must. There is no exceptional ground to extend benefit of bail to the petitioners. Therefore, it is argued that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioners are alleged to have taken gold ornaments worth

2026.PHHC.025853



Rs. 40 lakh from the complainants way back in March, 2021 with the promise to return the same and also to pay interest to the complainants at the rate of 1% of value of those gold ornaments. Though, the complainants have not placed on record any document to show the facutm of handing over the gold ornaments to the petitioners, however, cheques issued by the petitioners in their favour have been dishonored which *prima facie* show their complicity in the crime. The case is at its nascent stage. For the purpose of conducting investigation in proper manner, custodial interrogation of the petitioner is must. In case their custodial interrogation is denied to the Investigating Agency, that will leave many glaring loopholes and gaps thereby adversely affecting the investigation. Even otherwise, the well settled proposition of law is that the powers for grant of pre-arrest bail should be exercised in extra ordinary and exceptional circumstance whereas no such circumstance has been made out in this case. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of allegations as levelled against the petitioners, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

2026.PHHC.025853



8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |