(116) IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57796-2025
Date of Decision: 20.02.2026

SOHAN SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CRM-M-57797-2025

GURBAJ SINGH

... Petitioner

Versus

STATE OF HARYANA **...Respondent**

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh, Advocate
for the petitioner(s).

Mr. Viney Phogat, DAG, Haryana.

Mr. Gurveer Singh Sidhu, Advocate
for the complainant.

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JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-57796-2025 titled as Sohan Singh Versus State of Haryana and CRM-M-57797-2025 titled as Gurbaj Singh Versus State of Haryana as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-57796-2025.

2. The prayer in the present petitions under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioners in case

FIR No.205 dated 19.07.2024 registered under Sections 406, 420, 506, 120B IPC and Section 12 of Chit Funds Act, 1982 at Police Station Pehowa, District Kurukshetra.

3. The present FIR came to be registered at the instance of Virender Singh S/o Shri Balihar Singh and the same reads as under:-

> *"Sir, Complaint No. 1264-Peshi dated 19.7.2024 which is as under:. To, Superintendent of police, Kurukshetra. Subject: Application for taking legal action against 1. Gurbaj Singh Mobile Number 9467727754 son of Jaswant Singh 2. Sohan Singh Mobile Number 9991543795 son of Shri Hazara Singh resident of village Jaswanti district Kaithal Shareholder Core Committee Member 3. Anil Saini Mobile Number, 8398888837 resident of Diwan Colony Pehowa 4.Dev Deswal Mobile Number 9896057504 Resident of Cheeka 5. Sudesh Nain Mobile Number 9518203521 resident of Kaithal 6. Dr. Rajesh Gujjar Mobile Number 9996131605 resident of village Thana district SUBASH Kaithal 7. Rajesh Kumar Mobile Number 8168470120 resident of Pehowa 8. Pawan Panchal mobile no. 9068553100 resident of Gauchrand Pehowa District Kaithal, building above Muthad Finance Office is BITFX.CO.COM Sector-17, Kurkshetra has cheated the applicants of Rs. 1,25,00,000/- (One crore twenty five lakh rupees) by alluring the applicants that they will double the money in 25 months and threatened to kill the applicants and their families when the applicants asked for their money back. Shriman Ji, the applicants pray as written below: (1. That the applicant Karan Kumar son of Shri Inder Kumar resident of Fauji Plot Pehowa 2. Lovepreet Singh son of Alamjeet Singh resident of Gumthala Garh Tehsil Pehowa District Kurukshetra 3. Arun Sachdeva son of Shri Kashmir Singh resident of Ward No.5 Pehowa 4. Virendra Singh son of*

Shri Balihar Singh is permanent resident of Gumthala Garh Tehsil Pehowa District Kurukshetra and he is a peace loving and law abiding person. 2. That the above accused No.1 have a shop No. 37 in the name of Dandiwal Traders Jaswant Trades situated in Anaaj Mandi Pehowa District Kurukshetra and accused No.1 also works as a commission agent. 3. That the above accused No.1 and other accused started saying that we have prepared a business platform and all of us together have formed the company BITFX.COM and the office of this company is situated on top of Moothad Finance Office in Sector-17, Kurukshetra. And the accused No.1 and 2 told that they are the owners of this company and accused no.3 and 8 told that they are the members of core committee members and told the applicants that all of you should invest money in this company yourself and also get your relatives and friends to invest money in this company and further tell them also to get their relatives and close relations to invest money in this company and create a chain system and whatever money whichever member will invests, we will return double of it in 25 months and whoever pays the original amount, we will return that principal amount to him in 14 months. And after that, as a reward, we will give expensive cars to the person who will invests the maximum amount in the company. Motor cycles, bullet motor cycles, gold chains and other valuable items and cash will be given as reward and the company has given many vehicles and items to these people already, the accused persons also showed their photographs and also made us talk on phone with these people who have earned the rewards. Then we asked the accused persons that how they double this money in 25 months, then the above accused persons told that the money you will give us, we will invest that money in crypto currency and apart from this, we will give it on interest to the traders and will buy land and develop *colonies and will invest in the share market and will form a finance company and give it on finance to people and apart from this, we will open agencies for sending people abroad, due to which we will get a lot of profit and from that profit we will give you double money and some profit will be of our company, this is our business plan. Due to this, we believed them and we answered them that we will think about it and will tell you. 4. That after that the above accused started coming to our house again and again and said that you should invest money in this company soon or else you will not be able to take advantage of this company and as a guarantee the above accused number 1 and 2 said that our Aadat shop (Commission agent) is located in Anaaj Mandi and you should invest money in this company on my advice and its responsibility will be mine and accused number 1 said that the license of shop number 37 Aadat is also in my name. And took us into confidence. 5. That after that we ourselves invested money in this company and then the accused started telling us to give our passports to us quickly, we will take you abroad to America for a tour at the company's expense and then some of us got our passports made immediately and the accused Lovepreet and Karan took a tour of Baku, Bali and said that invest more people's money in this company and we will take you to America for a tour too and after that we had more faith in the above accused and we started investing more and more money and we also got our money and the money of our relatives and close relations and friends invested in this company and those people were also assured by accused number 1 and 2 by showing them the Adat Commission Agent Shop and other accused number 3 and 8 also showed their photographs and said that we have earned so many prizes by investing a lot of money and we have acquired a lot of property. 6. That the above accused had* *create a WhatsApp group in the name of their company BITFX.COM STAR FAMILY through which they used to trap people in their clutches and make them join their company by alluring them through whatsApp And they use to send SMS in this whatsApp group that the person has invested so much money in this company, by this method they used to attract other people to invest money in this company. 7. That the above accused started saying that you should make a team of your own and invest money in this company by forming your own team and we got some people from our relatives and friends to invest money directly in the company and some other friends put money in our account and we further transferred it to the company, in this way our entire team invested about Rs. 3,00,00,000/- (three crore rupees) in this company and the above accused returned some money and the remaining amount is of of Rs. 1,25,00,000/- are outstanding with the above accused and the accused had opened branches of this company in every city. 8. That apart from us many other people have given money to the above accused, many people from villages and cities have been defrauded by the above accused of about Rs.100 crores to 125 crores and many people are sitting quiet to avoid income tax and some people are quiet because of having government jobs and many people have invested money in the company of the accused by taking loans from banks and mortgaging their property and selling jewelry and some people are forced to commit suicide due to being troubled by these people. That all the above accused have built property worth crores of rupees 10. The same has been attained by defrauding honest people like us. When we went to Shop NO.37 at Anaj Mandi Pehowa to demand our money Rs. 1,25,00,000/- back, there we met AccusedNo.1's brother Laddi and his father Jaswant Singh and they threatened that there is no money which is to be paid* *by them and they further threatened that if we come back again to their shop then they will implicate us in a false case that you will not even look towards the shop again whereas shop number 37 is in the name of accused number 1 and his brother and father are running the shop, the accused No.1's brother keeps his and after this when we met accused number 3 and, 8 who were the core committee members of this company, they also refused to give us our money and abused us and threatened that if we ask for money from us again then we will get your whole family kidnapped and kill you and will not let anyone know about the dead bodies. In this way the above accused have cheated us of Rs.One Crore twenty five lakh rupees. Therefore, it is requested to you that keeping in mind the above facts, strict legal action should be taken against the above accuseds and they should be made to return the amount of Rs. 1,25,00,000/- (One crore twenty five lakh rupees) which they have cheated us of by fraud and conspiracy and our life and property of our family should be protected from the accused and we should be given justice. You would be highly grateful to you Sir Applicants SD/- Karan 79886863151. Karan Kumar son of Shri Inder Kumar resident of Fauji Plot Pehowa Sd/-Lavepreet 7015605877 2.Lovpreet Singh son of Alamjeet Singh resident of Gumthala Gathu Tehsil Pehowa District Kurukshetra. Sd/ Arun 7988816746 3. Arun Sachdeva son of Shri Kashmir resident of Ward No. 5 Pehwa. Sd/-Virender Singh 9896743211. Virender Singh son of Shri Balihar Singh resident of Gumthala Gadu Tehsil Pehowa District Kurukshetra."*

4. The learned counsel for the petitioners contends that the petitioners are commission agents and have nothing to do with the affairs of the company. They have been exonerated in an earlier inquiry.

The dispute, if any, is of a civil nature. Some of the co-accused have been granted the concession anticipatory bail or regular bail. As the petitioners are ready and willing to join investigation, they be granted the concession of anticipatory bail.

5. On the other hand, the learned State counsel along with the complainant contend that the petitioners are the two main accused and owners of the company which allured the complainants and others to invest in the company with the promises of earning huge profit. As many as 900 people have been defrauded of approximately Rs.70 crores. Both the petitioners are absconding and look out circulars have been issued against them. The case of the co-accused one of whom has been granted the concession of anticipatory bail and others regular bail is entirely different inasmuch as, it is the petitioners who even as per the FIR are the main culprits. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioners is certainly required and therefore, they are not entitled to the concession of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** ***2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to

consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> "*It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
>
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*
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> *We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside.* ***In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be***

> ***many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.***

8. A perusal of the FIR and the investigation conducted so far would reveal that the petitioners who masqueraded as Directors of the Company and the main accused allured the complainants and others to part with their hard-earned money with the promise of earning huge profits. As many as 900 people are alleged to have been defrauded to the tune of Rs.70 crores on the allurements of the petitioners and their co-accused. The case of the co-accused Sudesh Nain who has been granted the concession of anticipatory bail is on a different footing inasmuch, he is alleged to be a member of the Core Committee of the Company. The other co-accused have been granted the concession of regular bail for the grant of which the considerations are entirely different from those for the grant of anticipatory bail. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion,

the custodial interrogation of the petitioners is certainly required moreso when they are absconding from justice since the last 1 ½ years.

9. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

10. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

20.02.2026
JITESH

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