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CRM-M-57941-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(101)

CRM-M-57941-2025 (O & M)

Reserved on : 08.04.2026

Date of Pronouncement : 10.04.2026

Date of Uploading : 10.04.2026

Manjeet Singh and anr.

..... Petitioners

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Ekta Thakur, Advocate
with Mr. Pawandeep Kaur, Advocate,
Ms. Kajal, Advocate, for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Karan Sharma, Advocate with
Mr. Mahipal Yadav, Advocate,
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioners in case FIR No.0016 dated 19.09.2025 under Sections 420, 406, 427, 120-B IPC registered at Police Station NRI Hoshiarpur.

2. The present FIR came to be registered at the instance of

Rajinder Singh and reads as under:-

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To

*The ADGP, NRI WING
Phase-7 SAS Nagar(Mohali)*

*Subject:- Complaint against (1) Harvinder Singh (Mob Nos. 877338855 and 7710164857) son of Manjeet Singh (2) Manjeet Singh (Mob No. 9988372260) son of not Known (3) Sandeep Singh son of Manjeet Singh, residents of H. No.869, near Deep Nagar, Village Kajheri, Sector-52, Chandigarh, 160036 for committing fraud with an NRI Family.
Sir.*

I Rajinder Singh son of Hajara Singh am resident of Dayalgarh, PO Batala, District Gurdaspur.

1. That I am an NRI residing in German. My wife Baljeet Kaur resident of Dayalgarh had opened a restaurant namely M/s Chawla Bar. I and my family being living in German, the responsibility of running the restaurant was given to Harvinder Singh son of Manjeet Singh, as he was related to my wife. Because of relationship, confidence was reposed in him for running the restaurant and giving him responsibility to do so. When I came to my village after some time from foreign country, I visited the restaurant at Dasuya. Keeping in view the circumstances I requested Harvinder Singh to give accounts about the running of the restaurant from 2020 to March 2025. Harvinder Singh put excuses to do so and told me that he had entered the accounts of the restaurant in cashbook which had been left at his house. He promised that he will bring the accounts and will explain the same to me. However, the time continued to pass on but Harvinder Singh did not give me the accounts. Then I went to the bank and got the statement of accounts of the restaurant from there, checked it and found that Harvinder Singh had embezzled lakhs of rupees of the restaurant. The amounts of the restaurant which were embezzled by Harvinder Singh, his whole family such as father Manjeet Singh and brother Sandeep Singh were also involved as per transactions done in the account of restaurant. Harvinder Singh did so in the accounts of his father and brother. Besides this Harvinder Singh had got many transactions in the accounts of other persons. I got the statements of those bank accounts also and found embezzlement of substantial amount of lakhs of Rupees.

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2. That now when I requested Harvinder Singh to give me copies of the statements of accounts, then he gave me the same of 4/5 months in which embezzlement was found. Harvinder Singh was requested to provide all accounts statements from 2020 to March 2025 but he did not give any satisfactory reply. He did not give the statements of the accounts. Harvinder Singh was also requested to provide statements of bank accounts of his father and brother from the year 2020 to March 2025 but he had not provided the same till now, from which it becomes clear that Harvinder Singh has embezzled lakhs of rupees from the accounts of restaurant.

3. That when Harvinder Singh was putting excuses about giving accounts of the Restaurant, we called relatives at village Kala Afgana. The parents of Harvinder Singh were requested to bring him with them so that by sitting together in village Kala Afgana on 30.08.2025 the matter may be settled. His parents came to that village but did not bring Harvinder Singh with them as he was to give account of the restaurant. From it, it becomes clear that Harvinder Singh had embezzled lakhs of rupees of the restaurant and now he is not cooperating for giving the accounts. When parents of Harvinder Singh were questioned why they had not brought him with them, then they could not give any satisfactory reply and told that he can give the accounts of the restaurant. I questioned him about one entry of the bank statement that who had transferred the amount but the father and mother of Harvinder Singh used objectionable wording with me, gave a threat that in case any action was taken against them then they will file a complaint against me about indulging in dealing with white powder (heroine). I can produce witness about the above matter in the presence of whom the parents of Harvinder Singh gave me threats. Besides this when about the bank account Sandeep Singh brother of Harvinder Singh were questioned, then Harvinder Singh told that Sandeep Singh is having no bank account. However in the bank account Mob No. 97281-44397 of Sandeep Singh is mentioned.

Keeping in view the above facts it is requested that the bank statements of Harvinder Singh, his father and brother may be checked about the transactions with other persons. They may be called to the Police Station and all the accounts may be directed to be brought by them.

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They may be proceeded against for committing fraud with an NRI Family as per law. After looking into the accounts, the money which may be found payable to me may be got paid to me. I will be thankful for giving justice to me.

Dated: 04.07.2025

Yours faithfully

Sd/-

*Rajinder Singh son of Hazara Singh
R/o Vilage Dayalgarh, P.S. Sadar Batalam,
Tehsil Batala, District Gurdaspur,
Mob N. 98781-72671*

3. The learned counsel for the petitioners contends that the dispute between the parties is of rendition of accounts. In fact, the petitioners have to receive various amounts from the complainant pertaining to the running of the restaurant. No specific allegation with regard to committing of fraud by the petitioners has been levelled in the FIR. The Chartered Accountant has checked all the accounts and nothing incriminating has been found by him. The bank accounts in the name of the employees were opened with the consent of the complainant and have been used to incur various expenses. As the petitioners are ready and willing to join the investigation, they be granted the concession of anticipatory bail.

4. The learned counsel for the State alongwith the counsel for the complainant, on the other hand, while referring to the reply/affidavit dated 07.04.2026 contend that as per the GPA executed by Baljit Kaur (wife of Rajinder Singh-complainant) in favour of Harvinder Singh-petitioner No.2, he was not permitted to operate or open any bank account with respect to the



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running of the restaurant. However, two bank accounts in the name of the employees of the restaurant, namely, Gurjit Singh and Gupreet Singh were opened without the consent or knowledge of Baljeet Kaur which were used to siphon off the income of the restaurant thereby cheating the complainant. The statement of the two employees have been recorded during the course of the investigation and they have admitted that the bank accounts were opened at the instance of Harvinder Singh-petitioner No.2 and the money was taken by him. They, therefore, contend that 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 hence, they are not entitled to the concession of anticipatory bail.

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

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has 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



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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.

*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***



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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. ”

7. A perusal of the affidavit of Rashminder Singh PPS, Deputy Superintendent of Police, Sub Division NRI, District Jalandhar dated 07.04.2026 would reveal that a GPA was executed by Baljit Kaur (wife of Rajinder Singh-complainant) in favour of Harvinder Singh-petitioner No.2, to run the restaurant Chawla Bar & Restaurant. The complainant-Baljit Kaur was the sole proprietor of the M/s Mann Restaurant-the firm running Chawla Bar & Restaurant. She opened a current account in the name of M/s Maan Restraaurant in the ICICI Bank, Urban Estate Branch Batala, bearing No. 241505000637. Despite not being authorized to open any other bank account, Harvinder Singh-petitioner No.2 in connivance with his father-Manjeet Singh/petitioner No.1 opened two bank accounts in the State Bank of India in the name of Gurjit Singh and Gurpreet Singh. All the earnings of the restaurant were siphoned off into those accounts and subsequently, withdrawn by the petitioners or transferred into their accounts. The statements of both Gurjeet Singh and Gurpreet Singh have been recorded during investigation and they have categorically stated that their respective bank accounts were got opened by Harvinder Singh-petitioner No.2, money



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from the sales in the restaurant were credited in these two accounts of the SBI Bank and subsequently, transferred/withdrawn through ATM Cards by the accused. They further stated that they themselves were only paid employees on a salary of Rs.12,000/13,000/- per month.

8. The relevant extract of the affidavit of Rashminder Singh PPS, Deputy Superintendent of Police, Sub Division NRI, District Jalandhar dated 07.04.2026 is as under:-

4. That it is submitted that during the course of proceedings, it was found that the total amount credited in the account of employee Gurjit Singh from period 08.02.2021 to 01.10.2022 is Rs.37,82,749.06/- and total amount credited in the account of employee Gurpreet Singh from period 07.10.2023 to 25.12.2024 is Rs.19,62,442.12. The report of Chartered Accountant is annexed as Annexure R-3 along with.

5. That it is submitted that the detail of amount transferred by Gurpreet Singh employee of the above said Bar & Restaurant to the petitioner Harwinder Singh, petitioner Manjit Singh and co-accused Sandeep Singh;

1	Name of the person and account number who transferred the amount	Name of the person and account number in whose name amount was transferred	Amount
2	Gurpreet Singh and account No.20331406187 of SBI	Petitioner-Harvinder Singh and account No.65162825559 of SBI Bank	Rs.3000/-
3	-do-	Petitioner-Manjeet Singh and account No. 65162216886/- of SBI Bank	Rs.1,88,126/-
4.	-do-	Accused-Sandeep Singh and account No. 361909985079 of SBI Bank	Rs.885/-



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6. That it is submitted that the detail of amount transferred by Gurjeet Singh employee of the above said Bar & Restaurant to the petitioner Harwinder Singh, petitioner Manjit Singh and co-accused Sandeep Singh:

1	Name of the person and account number who transferred the amount	Name of the person and account number in whose name amount was transferred	Amount
2	Gurjeet Singh and account No. 39995018008 of SBI	Petitioner-Harvinder Singh and account No. 65162825559 of SBI Bank	Rs.6,04,852/-
3	-do-	Petitioner-Manjeet Singh and account No. 65162216886/- of SBI Bank	Rs.540/-
4.	-do-	Accused-Sandeep Singh and account No. 361909985079 of SBI Bank	Rs.1,34,700/-

The true copies of bank statements of account of petitioners, co-accused Sandeep Singh, Gupreet Singh and Gurjeet Singh of SBI Bank are annexed as Annexures as R-4 to R-8.

9. The relevant extract of the report dated 28.03.2026 of the Chartered Accountants-Taran Associates (Annexure R-3) is as under:-

TO WHOM IT MAY CONCERN

It is hereby certified that according to Bank Statements of following persons produced to us, the details of cumulative figures of Credits (Deposits) & Debits (Withdrawals) in the banks for the periods mentioned therein are as under:-

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1) SH. SANDEEP SINGH (Accused but not petitioner)
Resident of House No.869, Sector 52, Village Khzheri,
Chandigarh, Punjab.
State Bank of India A/c Number-361909985079

PARTICULARS	Amount (In INR)
Opening Balance As on 01-01-2021	3,978.93
Total Amount of credits (deposits) during the period from 01-01-2021 to 05-12-2022	67,95,189.27
Total Amount of debits (withdrawals) during the period from 01-01-2021 to 05-12-2022	67,99,168.20
Closing Balance as on 05.12.2022	NIL

2) SH. HARVINDER SINGH (petitioner No.2)
Resident of House No.869, Near Deep Nagar, Village Khzheri,
Chandigarh, Punjab.
State Bank of India A/c Number-65162825559

PARTICULARS	Amount (In INR)
Opening Balance As on 01-07-2021	11,059.03
Total Amount of credits (deposits) during the period from 01-07-2021 to 25-03-2025	38,39,401.52
Total Amount of debits (withdrawals) during the period from 01-07-2021 to 25-03-2025	38,50,434.36
Closing Balance as on 25.03.2025	26.19

3) SH. MANJIT SINGH (petitioner No.1)
Resident of House No.869, Near Deep Nagar, Village Khzheri,
Chandigarh, Punjab.
State Bank of India A/c Number-65162216886

PARTICULARS	Amount (In INR)
Opening Balance As on 30-01-2023	NIL
Total Amount of credits (deposits) during the period from 30-01-2023 to 08-04-2025	45,13,732.68
Total Amount of debits (withdrawals) during the period from 30-01-2023 to 08-04-2025	45,04,952.32
Closing Balance as on 08.04.2025	8,780.36

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10. Apparently, the money credited in the accounts of the employees has been withdrawn vide ATM etc. by the accused.

11. In view of the fact that 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. Therefore, they are not entitled to the grant of anticipatory bail.

12. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

13. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application 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.

14. The pending application(s), if any, shall stand disposed of accordingly.

April 10, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No