



CRM-M-58200-2025

-1-

102

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-58200-2025

Decided on: 19.03.2026

Sikander Singh Katoch

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Tanheer Singh Bariana, Advocate, for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

Mr. Saurabh Kaushik, Advocate for
respondent No.2 (through VC).Mr. Jaswinder Singh Sekhon, Advocate,
for respondents No.3 and 4.**Rajesh Bhardwaj, J.**

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.152 dated 27.08.2025, registered under Sections 406, 420 IPC, at Police Station Sadar Hoshiarpur.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainants, namely, Balram Singh, Neeraj Sidhu and Vijay Kumar. It was alleged that Sikander Singh Katoch (petitioner) is running a firm, namely, 'Mr. Visa' and works as an agent. Balram Singh, Vijay Kumar and Neeraj Sidhu gave Rs.17,70,000/-, Rs.27,50,000/- and Rs.9,16,000/-, respectively, through online as well as in cash to Sikander Singh Katoch for sending them abroad. However, no work permits or visas were provided to the complainants by him. Thus, they requested the petitioner to return the money, however, only Rs.6.50,000/-



CRM-M-58200-2025

-2-

was returned to Vijay Kumar and Rs.2,41,800/- was returned to Balram Singh by Sikander Singh Katoch. On repeated requests made by the complainants, their balance amount was not returned by the accused. Thus, request was made to take legal action against the accused person. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for grant of anticipatory bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 26.09.2025. Hence, the petitioner has approached this Court praying for grant of anticipatory bail by way of filing the present petition. It is apposite to mention here that vide order dated 06.11.2025 passed by this Court, no coercive action was ordered to be taken against the petitioner.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that initially the matter was amicably settled between the parties before the police and the petitioner transferred an amount of Rs.20,50,000/- in the accounts of the complainants, namely, Vijay Kumar, Balram Singh and one Bhulla Singh (brother-in-law of Balram Singh) and besides this, the petitioner paid Rs.50,000/- in cash to the complainants. He has submitted that the petitioner had duly pursued the applications of the complainants for sending them abroad, however, they themselves did not pursue it further. He submits that even otherwise, the complainants adopted illegal and tactical ways to get money from him, for which an application dated 31.07.2025 was also filed by the petitioner



CRM-M-58200-2025

-3-

against the complainant before the police authorities. He further submits that complainant Balram Singh himself is an agent, who was seeking his commission from the petitioner. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that there are serious allegations against the petitioner. He submits that the petitioner duped the complainants with a huge amount. He submits that the interim protection was granted to the petitioner only on the ground that he is ready to settle the matter with the complainant, however, he did not comply with the same. He submits that the petitioner is a habitual offender as he is involved in five other cases. He further He submits that custodial interrogation of the petitioner is required as the defrauded amount is yet to be recovered. He, thus, submits that the present petition deserves to be dismissed.

5. Learned counsel for the complainants have also vehemently opposed the submissions made by counsel for the petitioner. It is contended that as per the compromise arrived at between the parties, the petitioner was to pay Rs.12 lacs to the complainants, however, despite having been granted various opportunities, the same has not been paid to them. They, thus, pray for dismissal of the present petition.

6. Heard learned counsel for the parties and perused the record. A perusal of the FIR reveals that there are specific allegations of cheating and fraud against the petitioner. There are specific bank transactions between the



CRM-M-58200-2025

-4-

petitioner and the complainants on different dates. There are five other FIRs are pending against the petitioner and one complaint under Section 138 of the Negotiable Instruments Act, 1881 regarding dishonour of cheque. The petitioner is stated to be running the firm 'Mr. Visa' without any licence or permit. Admittedly, the matter was amicably compromised between the parties and the petitioner agreed to pay Rs.12 lacs to the complainants and in view of the undertaking given by the petitioner before this Court, no coercive action was ordered to be taken against him. However, it is apparent that despite several opportunities, the petitioner failed to settle the dispute with the complainants. The counsel for the petitioner failed to convince the Court regarding the failure of payment as undertaken before this Court. The interim protection granted to the petitioner was only on the undertaking given before this Court that the petitioner was ready to settle the dispute but the same has been misused.

7. The Hon'ble Supreme Court in a recent judgment of '***Gajanan Dattatray Gore Vs. State of Maharashtra, 2025 INSC 913***' has held that bails should not be granted solely on the undertaking given by the accused persons. The relevant part of the same reads as under:-

'Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or



trial courts shall not pass a conditional order of regular bail or anticipatory bail.'

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

482“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.”*

9. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has 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](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

10. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in her favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

13. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

19.03.2026		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No