2026:PHHC:005381

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-59656 of 2025

Date of Decision: 15.01.2026

Santosh Garg

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Shiv Kumar Sharma, Advocate
for Mr. Naresh Kumar Bansal, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Mr. Varlin Garg, Advocate
for the complainant.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 406 , 420 and 120-B of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, the FIR No. 281 dated 30.09.2025 has been lodged in Police Station Dera Bassi, District S.A.S. Nagar, Mohali, Punjab. This is first petition for anticipatory bail filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being in response to a complaint submitted by Arvind Kansal, hereinafter being referred to as ‘complainant’ only. In his

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above mentioned complaint it was alleged by the complainant that he was running a factory in the name and style of 'Jai Durga Agro' in village Morthikari, Tehsil Zirakpur, District SAS Nagar, Mohali, for manufacturing of animal feed and fodder. According to complainant since 21.09.2021 Vipin Kumar (now deceased) was managing the affairs of the factory and he used to buy and sell goods on behalf of factory, and used to receive the money also. As per complainant, the above named Vipin Kumar was also looking after its accounts. According to complainant, being in-charge of all the money transactions on behalf of company, and in-charge of account books, the above named Vipin Kumar was successful in siphoning-off a huge amount belonging to the company. The above said amount has been quantified by the complainant as ₹80,00,000/-. The complainant further alleged that a part of the above mentioned proceeds of crime was transferred by Vipin Kumar into the account of petitioner, and he died on 26.10.2024. The complainant further alleged that he had approached the petitioner and other family members of deceased and asked for return of money, but they refused to return, and thus, the offence under Section 406, 420 read with Section 120-B IPC is made out.

3. Heard.

4. It has been argued by learned counsel for the petitioner that the petitioner is widow of the deceased employee of complainant, and that the petitioner had never worked in any capacity with the company of the complainant and therefore, for any kind of fraud or misappropriation, which might have committed by the deceased husband of the petitioner, she cannot be held responsible. According to learned counsel for the petitioner, the only

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allegations against the petitioner are that her husband had deposited some amount in the account of petitioner but there is no evidence to show that the amount deposited in the account of petitioner was procured by him by defrauding the complainant.

5. As per learned counsel for the petitioner that the benefit of interim anticipatory bail has already been afforded to the petitioner by this Court by virtue of interim order dated 20.10.2025, and that she has already joined the investigation and therefore, her custodial interrogation is not required in the present case.

6. In addition to above the learned counsel for the petitioner has also contended that otherwise also the offence is triable by the Court of Judicial Magistrate, and that being lady the petitioner is entitled for a lenient view. In view of above mentioned contentions, the learned counsel for the petitioner has prayed that the order of interim anticipatory bail afforded to the petitioner be made absolute.

7. The learned State counsel being assisted by learned counsel for the complainant has controverted the above mentioned arguments of the learned counsel for the petitioner. According to learned counsel for the complainant in the present case the quantum of money deposited in the account of petitioner makes it abundantly clear that the proceeds of crime were dealt with by the petitioner by receiving the same in her account, and that later on the same were transferred into the account of her son-in-law. As per learned counsel for the complainant since the details of account which were used for siphoning off the above mentioned money have not been given by the petitioner her custodial interrogation is necessary. The

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learned State counsel being assisted by learned counsel for the complainant has contended that without custodial interrogation of the petitioner the investigation may not proceed further in the right direction and thus, the present petition deserves dismissal.

8. The record has been perused carefully.

9. A careful perusal of record shows that in the present case, there are several relevant factors which are required to be taken into consideration before arriving at any decision with regard to instant bail petition:-

i) that the petitioner being female deserves a lenient view;

ii) that the petitioner was never an employee of the complainant and therefore, there cannot be any direct allegation with regard to fraud or misappropriation of the money against the petitioner.

iii) that the offence is triable by the Court of Judicial Magistrate;

iv) that the petitioner has already joined the investigation;

v) that the entire evidence to be collected by the Investigating Agency is documentary in nature, for which custodial interrogation of the petitioner is not likely to produce any positive result;

vi) that nothing is left to be recovered from the possession of petitioner;

vii) that trial of the case is not likely to be concluded in near future;

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viii) that there is nothing on record to show that while on interim anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and

ix) that there is nothing on record to show that while on interim anticipatory bail, the petitioner will not participate/cooperate in the investigation.

10. In view of above, the present petition is allowed and the order dated 20.10.2025, whereby interim anticipatory bail was afforded to the petitioner, is hereby made absolute.

11. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

January 15, 2026
"DK"

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

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