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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(102)

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Date of decision: 06.03.2026

(Through VC)

Atul Thakur

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.189 dated 12.09.2024 under Section 406 IPC registered at Police Station Civil Lines, District Amritsar.

2. The present FIR came to be registered at the instance of Karan Verma and reads as under:-

It is recorded that one complaint no. 308479- PGD dated 24.02.2024 from Karan Verma son of Late Shir Om Parkash resident of House no 291/17 Abadi Gokul Chand Shakti Nagar Amritsar has been received through post at the police station, the detail of which is as under, "To respected Commissioner of Police, Amritsar, Subject: Complaint against Atul Thakur son of Surjit Singh and Kanchan Bagaj wife of Atul Thakur, residents

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of 18-A/1, Race Course Road, Dr. Manohar Singh Lane, Police Station Civil Lines, Amritsar for committing fraud of Rs. 4,62,000/-and application for registration of FIR. Sir, it is humbly submitted that I Karan Verma son of Late Shri Om Parkash, resident of house no. 291/17, Abadi Gokul Chand, Shakti Nagar, Amritsar and I am law abiding and peace loving citizen. 1. That I do the business of goldsmith at Majith Mandi. 2. That accused Atul Thakur very often comes to Majith Mandi with respect to his business of Forex Exchange and use to meet the businessmen at Majith Mandi. 3. That I have met accused Atul Thakur on 29.01.2024 and I want to exchange Rs. 4,62,000/- for Dirham (Dubai Currency) then above said accused assured me that he has Dirham currency available with him and he has kept it at his home. Atul Thakur and Kanchan Bajaj has taken Indian Currency Rs. 4,62,000/- from me on the pretext that against this currency they would give me Dirham. I have given Rs. 4,62,000/- to accused Atul Thakur and Kanchan Bajaj in presence of Deepak Khanna. 4. That above said accused has taken Indian currency by assuring me that in some time from their house they would get me Dirhams. I waited for the accused persons till evening, however, accused Atul Thakur and Kanchan Bajaj did not come back. I called them time and again but accused kept delaying the matter. That when I have enquired about the above said accused then I came to know that the above said accused usually takes money from persons and play fraud upon them. 6. That I have audio recording with me regarding the taking of money and playing fraud of money played by above said accused which I can produce whenever required. 7. That accused Atul Thakur and Kanchan Bajaj have kept bad intention and in order to wrongly benefited themselves have caused loss to me and has played fraud with me. I request before you against the above said accused FIR may be register

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and justice be granted to me, I would be very grateful to you.
Applicant sd/- Karan Verma.

3. The learned counsel for the petitioner contends that taking the allegations to be correct, it is a civil dispute between the parties. The petitioner has joined the investigation and co-operated with the same. Since the custodial interrogation of the petitioner is not required, he be granted the concession of anticipatory bail.

4. The learned State counsel, on the other hand, while referring to the status report dated 20.11.2025 contends that the petitioner received an amount of Rs.4,62,000/- from the complainant with the assurance that he would provide Dirhams (Dubai Currency) of an equivalent amount to him (complainant). However, he did not do so. A compromise was arrived at in which the petitioner admitted that he would make the requisite payment but later, he retracted from the same. Except Rs.10,000/- he has not returned any other amount. During the course of the preliminary hearing, the petitioner was granted the concession of interim bail as he had stated that he wished to amicably resolve the dispute and pay the entire amount. However, he has not done so. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, the present petition is liable to be dismissed.

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

6. The Hon'ble Supreme Court in the case of '*Sumitha Pradeep*

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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.

*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***

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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.”

7. The relevant extract of the status report dated 20.11.2025 filed by way of an affidavit of Rishabh Bhola, IPS, Assistant Commissioner of Police, North, Amritsar, is as under:-

4. That the deponent humbly submits that as per the official records available at the police station and as per the report furnished by the SHO PS Civil Lines, Amritsar, the present case FIR No. 189, dated 12.09.2024, under Section 406 IPC, PS Civil Lines, Amritsar was registered as per the directions given by the Commissioner of Police, Amritsar after obtaining legal opinion from the District Attorney (Legal), Amritsar by qua the enquiry report submitted by Incharge Anti Human Trafficking Unit, Amritsar through the Assistant Commissioner of Police, Licensing & Security, Amritsar and Additional Deputy Commissioner of Police, Investigation, Amritsar after conducting an enquiry qua the application bearing No. 308479-

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PGD, dated 24.02.2024 given in the office of the Commissioner of Police, Amritsar by the complainant Karan Verma. Based on the enquiry conducted, it revealed that on 29.01.2024 the complainant Karan Verma had given Indian currency notes Rs. 4,62,000/- to the present petitioner Atul Thakur for exchange In Duabi Currency (Dirham) for the purpose of going to Dubai along with his family but the present petitioner Atul Thakur did not give Dubai currency-Dirham to the complainant in lieu of the Indian currency notes received from him despite having made a written agreement on 07.03.2024 in presence of prominent persons with the complainant Karan Verma by-the-petitioner Atul-Thakur. This fact was corroborated during enquiry by the witnesses Shashipal and Deepak. The petitioner Atul Thakur had been doing the work of money exchanger at Liberty Market, Amritsar for about last two years without having any license for this work. During enquiry, the enquiry officer issued notices to the petitioner Atul Thakur for joining the enquiry, but the present petitioner Atul Thakur did not join the enquiry. Therefore, the enquiry officer had reached to the conclusion that the petitioner Atul Thakur has committed breach of trust and has duped the complainant Karan Verma of Rs.4,52,000/-Therefore, the enquiry officer had made recommendation for registration of an FIR against the petitioner Atul Thakur.

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9. That During investigation, the present petitioner Atul Thakur made a voluntary disclosure statement before the Investigating Officer that he had acquaintance with Karan Verma through a friend, owing to which Karan Verma used to approach him for ticket booking. In January 2024, Karan Verma had handed over Rs. 4,62,000/- to him for converting the amount from Indian

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currency into Dubai Dirhams. However, instead of getting the currency exchanged or returning the money, he (petitioner) misappropriated the entire amount for his personal use. When Karan Verma later demanded his money back, he (petitioner) kept delaying. The matter eventually reached local respectable persons, before whom he (petitioner) paid Rs. 10,000/- and executed a written agreement to pay the remaining amount in instalments, but later retracted from the agreement. Except for Rs.10,000/-, he did not return any money initially. Subsequently, the petitioner claimed to have repaid about Rs. 1,00,000/- in small instalments, leaving a balance of Rs.3,52,000/- still unpaid. The petitioner further disclosed that he is not having any other amount to return to the complainant Karan Verma. The petitioner admitted that he had wrongfully used the entrusted amount for personal expenses. The petitioner Atul Thakur was released on bail upon furnishing bail/surety bonds to the satisfaction of the investigating officer. The disclosure statement of the petitioner Atul Thakur is annexed herewith as Annexure R-1/T for kind perusal of this Hon'ble Court.

10. Role of the petitioner: That it is respectfully submitted that the present petitioner Atul Thakur is the sole accused in this case. The complainant Karan Verma had given Indian currency notes Rs.4,62,000/- to the petitioner Atul Thakur for exchange in Duabi currency Dirham which has been misappropriated by the petitioner.

8. A perusal of the extract of the status report dated 20.11.2025 would reveal that the complainant-Karan Verma had given Indian Currency notes of Rs.4,62,000/- to the petitioner-Atul Thakur for exchange into Dirhams (Dubai Currency) for the purpose of going to Dubai alongwith his

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family. However, the petitioner did not give the foreign Currency (Dirhams) to the complainant in lieu of the Indian Currency notes. This fact had been duly corroborated by the witnesses. Despite seeking various opportunities to effect an amicable settlement by returning the amount, the petitioner has chosen not to do so. Even otherwise, the offence is *prima facie* established. Therefore, in order to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

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

10. 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.

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

March 06, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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