

2026.PHHC.031832



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-60175-2025
Date of decision: 26th February, 2026

Vivek Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Ms. Swati Verma, Advocate and
Mr. Gagandeep Singh Simble, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 124 dated 10.11.2024 registered under Sections 420, 406 and 120-B of IPC at Police Station Shri Hargobindpur, District Batala, Punjab.

2. The aforementioned FIR was registered on the basis of a written complaint moved by the complainant Dhanwant Singh, alleging that he had given a sum of Rs. 25,00,000/- in the form of demand drafts, cheques and cash to the company named as 'M/s Vivek and Baldev Company'. The accused Baldev Singh, Rajneesh Lath and Milap Singh, who were running that

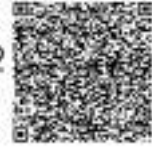
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company had assured to give due profits on that sum after completion of one year. However, after completion of one year, when he asked them to give back the money invested by him, the above named accused disclosed that the said money had been invested in another company launched in the name of 'M/s Rajneesh and Milap Company'. They assured to settle the amount of the complainant within one month. Two cheques for sums of Rs. 25,00,000/- and Rs.50,000/- respectively issued by them. However, the cheque for an amount of Rs. 50,000/- only was credited in the complainant's account but the second cheque of an amount of Rs. 25,00,000/- was ordered to be put on hold. By alleging that the above named accused had caused wrongful loss to him and had cheated him, he prayed for taking action.

3. As per the further allegations, after receipt of the complaint, inquiry had been conducted which revealed that the complainant had transferred an amount of Rs. 25,00,000/- with M/s Vivek and Baldev Company and subsequently, new company M/s Rajneesh and Milap through its partners including the petitioner, had issued a cheque for a sum of Rs. 25,00,000/- but the amount of the said cheque even after being credited to the bank account of the complainant was got reversed by the bank manager Manjit Kaur in the bank account of M/s Rajneesh and Milap Company without any authorization and citing that the cheque was stolen and was bearing forged signatures. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Gurdaspur, which was dismissed vide order dated 20.09.2025.

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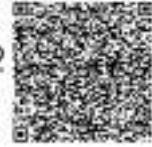
4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Only general, omnibus and vague allegations have been levelled against the petitioner. The financial dealings, if any, took place in Kangra, Himachal Pradesh, but the FIR has been lodged in State of Punjab without having any jurisdiction, in connivance with the police officials. The petitioner has no direct role in the transaction. The complainant in collusion of Sukhdev Singh and Varinder Kumar had misused the cheque for a sum of Rs. 25,00,000/-. The petitioner was one of the partners in M/s Vivek and Baldev Company, had suffered substantial losses and was having outstanding tax liability. The complainant had lodged this FIR only to evade his liability and to shift blame upon the petitioner as well as to exert pressure upon him. The entire case is based on documentary evidence. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

5. Learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. As per the allegations, the complainant was induced to invest an

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amount of Rs. 25,00,000/- with M/s Vivek and Baldev Company and the said amount of money was transferred to one M/s Rajnish and Milap Company without consent and knowledge of the complainant and caused wrongful loss to him. On going through the contents of the FIR, it appears that there is no specific allegation that it was the petitioner, who had induced the complainant at any point of time to invest money or it was he who along with the co-accused had caused any wrongful loss to the complainant. Given the nature of the allegations as levelled against the petitioner, this Court is of the considered opinion that no pre-trial incarceration of the petitioner is made out. The case is also based upon documentary evidence. It is well settled that pre-trial incarceration should not be a replica of post-conviction sentencing. In view of the above discussed facts, this Court is of the considered opinion that the petition deserves to be allowed and the petitioner is ordered to be admitted on bail. The petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within ten days from today and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

8. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

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9. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

26th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |