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

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CRM-M-59908-2025

Date of decision: 19th February, 2026

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

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 and 406 of IPC at Police Station Shri Hargobindpur, District Batala, Punjab.

2. The aforementioned FIR was registered on the basis of complaint submitted by the complainant - Dhanwant Singh alleging that an amount of Rs.25 lakh had been given by him in the form of demand drafts, cheques and cash to the petitioner and co-accused, who were running a company named as 'Vivek and Baldev Company'. They had assured to give due profit on that sum

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after completion of one year. On completion of that period, he asked the petitioner and co-accused to give back the money invested by him but both of them disclosed that they had invested his money in another company launched by them with the name of 'Rajneesh and Milap Company'. They assured to settle the accounts within one month. Thereafter they issued two cheques dated 25.06.2024 for sums of Rs.25 lakh and Rs.50,000/-, respectively, in his favour. Amount of cheque for an amount of Rs.50,000/- was credited in his account on 25.06.2024 but the amount of Rs.25 lakhs was ordered to be put on hold by the petitioner and co-accused to their banker on the same date due to which it was transferred back in the bank account of the complainant. Alleging that the petitioner and co-accused had caused wrongful loss to him with an intent to cheat him, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, petitioner filed an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 20.09.2025.

4. It is argued by learned counsel for the petitioners that he has been falsely implicated in this case on the basis of totally vague, omnibus and sweeping allegations that have no basis. The financial dealings, if any, took place in Kangra, Himachal Pradesh but FIR has been lodged in the State of Punjab without having any jurisdiction, in connivance with the police officials. The allegation that the complainant had invested a sum of Rs. 25 lakh in the firm of the petitioner was palpably wrong since he along with his mother had

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invested only a sum of Rs. 15 lakh which too was deposited in the office of Deputy Commissioner, State Excise and Taxation Department, Himachal Pradesh through proper channel and did not involve any direct receipt by or for benefit of the petitioner. The dispute between the parties is of civil nature. The case is based on documentary evidence most of which are already in possession of the investigating agency. The petitioner had no direct role in the transaction and in fact the complainant in collusion with Sukhdev Singh and Varinder Kumar, had misused the cheque of the firm. The petitioner was one of the partners of the firm M/s Baldev and company. This firm suffered substantial losses in the occurrence of business operations and the complainant being associated with the firm and being jointly liable for its statutory dues has deliberately lodged the instant FIR to evade his own liability. Co-accused Milap Singh and Rajneesh Lath have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The petitioner 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, his custodial interrogation is must. It is, therefore, argued that the petition does not deserve to be allowed.

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

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considerable length.

7. The petitioner along with the co-accused is alleged to have caused wrongful loss of an amount of Rs. 25 lakh to the complainant by inducing him to invest the same in his firm and then not returning the same and diverting the funds of his firm to some other newly constituted company/firm with an intention to not to return the money of the complainant. The entire case is based on documentary evidence. Given the nature of the allegations as levelled against the petitioner, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. It is well settled that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. As such, the petitioner has made out a case for grant of anticipatory bail. Accordingly, the petition is allowed, and the petitioner is ordered to be admitted on bail. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of 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

19th February, 2026
Parveen Sharma

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