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

CRM-M No.60770 of 2025

Date of Decision: 30.01.2026

Mandeep Kumar @ Manna

..... Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.P. Dhir, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

Mr. Kamaljeet Singh Mamrt, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.189, dated 12.06.2025, under Sections 316(2), 318(4) of BNS and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station City District Hoshiarpur.

2. Succinctly the facts of the case are that FIR in the present case was registered on the basis of a letter bearing No.3175-Lit dated 16.05.2025 received from Hon'ble Punjab and Haryana High Court passed in CRM-M No.23814 of 2025 titled 'Shammi Kumar and other Vs. State of Punjab and others' with regard to complaint No.8560-PD dated 28.11.2024 filed by Shammi Kumar against Mandeep Singh @ Manna (petitioner herein), Bimla Devi wife of Ashok Kumar and Ashok



Kumar. It was alleged that the petitioner along with co-accused had committed fraud on the pretext of sending the complainants abroad i.e. Poland and took an amount of Rs.6.00 Lacs for the same. It was further alleged that the petitioner in connivance with co-accused defrauded the complainants and did not send them abroad. Thus, request was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Hoshiarpur dismissed the petition filed by the petitioner vide his order dated 20.09.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that though the petitioner is facing prosecution in 06 more FIRs, however, in 05 of them, either the FIR has been quashed or the petitioner has been acquitted/discharged. He submits that in the present case, vide enquiries dated 22.01.2025 and 13.03.2025, the petitioner has been found to be not guilty. To buttress his arguments, he submits that co-accused of the petitioner in the present case has already been granted interim protection by Hon'ble the Supreme Court of India vide order dated 01.09.2025 in SLP No.12883 of 2025. He thus, submits that there being



no *prima facie* case having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made on behalf of the petitioner and has submitted that the petitioner and his father are habitual offenders and they have committed cheating with many persons. He submits that the petitioner is facing prosecution in other FIRs as well, in which some of the FIRs got quashed on the basis of compromise. He has drawn the attention of this Court to the enquiry report in which *prima facie* case has been found to have been made against the petitioner. He thus, submits that the petitioners do not deserve the concession of anticipatory bail.

5. Learned State counsel has also opposed the submissions made on behalf of the petitioner and submits that the petitioner is the main accused in the present case. He has drawn the attention of this Court to the status report filed by way of an affidavit of Mr. Dev Dutt Sharma, PPS, Deputy Superintendent of Police, Sub Division City, District Hoshiarpur and submitted that the enquiry has been conducted in which the petitioner has been found to be guilty. He submits that petitioner is a habitual offender who is facing prosecution in 02 more cases i.e. FIR No.135 dated 22.08.2022 under Sections 420, 465, 468, 471, 411 of IPC and FIR No.40 dated 18.03.2022 under Sections 498-A, 406 and 201 of IPC, registered at Police Station Bullowal, District Hoshiarpur. He submits that it has been *prima facie* established that the petitioner in conspiracy with co-accused had committed the offence. He submits that



no case for grant of anticipatory bail to the petitioner, is made out and thus, the present petition deserves to be dismissed.

6. On hearing of the counsel for the parties and perusing the record, it is deciphered that the petitioner in connivance with co-accused defrauded the complainants. Perusal of the status report as well as enquiry report would show that petitioner had sent a work permit and offer letter to the complainant through *whatsapp* chat with regard to send him abroad. During the inquiry, the Superintendent of Police Investigation, Hoshiarpur had received a conversation/*whatsapp* chat which was between the petitioner, complainant and his father, namely, Ashok Kumar, regarding sending the complainants abroad and took an amount of Rs.6.00 lacs on the pretext of sending them abroad however, after receiving the said amount, petitioner did not send them abroad and thus, committed a cheating. After the enquiry conducted by Superintendent of Police, Investigation, Hoshiarpur, report was sent to Senior Superintendent of Police, Hoshiarpur and after approval, the present was registered against the petitioner. Though co-accused, namely, Ashok Kumar, has been granted interim protection by Hon'ble the Supreme Court of India vide order dated 01.09.2025 in SLP No.12883 of 2025, however, role of the petitioner is distinguishable from that of co-accused, namely, Ashok Kumar. The petitioner is a habitual offender who is facing prosecution in 02 more FIRs. Needless to say that the case is under investigation.



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

8. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-



“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the*



survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

9. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, 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 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”



10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the case is under investigation and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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