



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

302

CRM-M-60702-2025

Date of decision: 10.02.2026

Rajesh Kamboj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Munish Bhardwaj, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.512 dated 14.11.2024 registered against him at Police Station Zirakpur, District SAS Nagar (Mohali), for the commission of offences punishable u/s 406, 420, 120-B IPC, has prayed for grant of pre-arrest bail.
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Gurpreet Singh s/o Shamsher Singh r/o Flat No.910, Block C, Hollywood Heights I, VIP Road, Zirakpur set the criminal law in motion by filing a complaint pointing therein that in 2017, he had met Rajesh Kamboj (present petitioner), Kanwar Varinder Singh Randhawa, Mangal Singh and Deepak Malik through his paternal uncle namely Sukhminder Singh. Kanwar Varinder Singh Randhawa took his (C) contact number from his uncle and later called him up. Complainant alleged that aforesaid Kanwar Varinder Singh Randhawa was aware that he is financially well off and has a good reputation in society. Co-accused Mangal Singh, who was well known to his (C) uncle had taken all his details. After few days, Mangal Singh visited him (C) in Zirakpur and offered a deal to invest his(C) money. Mangal Singh also assured to take the entire responsibility for



good returns and further assured that in case the desired results are not achieved, he would pay from his own pocket. Complainant alleged that co-accused Kanwar Varinder Singh Randhawa contact him and offered him a deal that he was running MLM Company namely Rich Hands Pvt. Ltd., for which he needed investment as also that in due course of time with increasing number of members, the commission would be increased. Thus, as per complainant co-accused Kanwar Varinder Singh Randhawa lured him to invest money in a deal as also to make efforts to increase the number of members who could invest money. The company runs by the accused used to invest money in producing films and the general perception given was that they were earning huge profits. Complainant was assured that money invested would be doubled in just 10 months and that very soon they would be releasing a movie in which they would earn good profits. Somehow, complainant got taken in, in these false assurances. He not only invested money but also that of his relatives. Details of the money invested by him and his family members were also pointed out by complainant, who alleges that in all Rs.13.5 lakhs were invested. It was after few days that complainant met co-accused Deepak Malik, who was actively involved in the affairs of the company. Both the directors of the newly formed company namely Rajesh Kamboj (present petitioner) and Kanwar Varinder Singh Randhawa registered their production office in Mumbai and started sharing all the details with the members. They announced that they would be entering the Bollywood soon. To further win the confidence of investors, all the accused persons decided to provide a free trip to the members/investors to Thailand. Through his good offices, complainant alleges to have contacted staff of Spice Jet airline and booked ticket for 44 people. On the asking of Kanwar Varinder Singh Randhawa and other accused, complainant decided to invest Rs.5 lakhs more and handed over the amount to co-accused Deepak Malik. In fact, present petitioner and co-accused Kanwar Varinder



Singh Randhawa started distributing cars as incentives to investors and in this manner got a huge flow of amount. However, abruptly they stopped paying commissions. It later came to be known that the accused had purchased 'Bitcoin' (Crypto Currency) and refused to pay the commission. Co-accused Kanwar Varinder Singh Randhawa absconded with all the money and till date has not been arrested. In December, 2023 he (C) noticed aforesaid Kanwar Varinder Singh Randhawa and enquiries at his own level revealed that he had opened a new Real Estate Office quite near to his (C) residential place. To recover the financial loss complainant had to sold his wife's gold jewellery. In all, complainant had been duped of Rs. 18 lakhs.

On receipt of complaint, the matter was enquired into by the local police officials and on finding substance in the allegations leveled by the complainant, the present FIR No.512 dated 14.11.2024 u/s 406, 420, 120-B IPC, was registered against present petitioners and others

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, SAS Nagar. The same was dismissed vide order dated 27.10.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, who was not named in the FIR, has been falsely implicated in the present case. No specific role/allegations have been leveled against him. All the allegations pertain to the other co-accused. Continuing further, learned counsel contends that petitioner was one of the directors of the company, who never assured complainant or enticed him to invest money. Further a bare perusal of the FIR reveals that on every investment complainant was earning commission but later due to some practical difficulties, the business, could not run smoothly and thus the company suffered huge losses,



consequent thereto, complainant stopped earning commission. The very fact that the complaint was lodged after delay of many years is indicative of the falsity of the case and also suggests that coloured version has been put forth. Further as per learned counsel, since nothing is to be recovered from petitioner, his custodial interrogation is not needed. Nonetheless, being a law-abiding citizen, he (P) is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, while opposing the request for grant of anticipatory bail, learned State counsel contends that the delay in lodging the complaint occurred on account of evasive conduct of the petitioner and his associates, who with a premeditated mind played a calculated fraud not only on complainant but on the other unsuspecting investors, who also lost their hard earned money. Not only did the complainant invest his money but on the false assurances given by all the accused, he encouraged his family members, relatives etc. also to invest their money. In all, complainant was duped of Rs.18 lakhs. It has also been pointed out that even the past antecedents of the petitioner are questionable as he is involved in another case of like nature (FIR No.231 dated 27.09.2018 u/s 406, 420-120-B IPC). In the light of seriousness and gravity of the allegations levelled by complainant against petitioner and other accused, who all gave false assurances of investing money on the pretext of good return and later duped him (C) of his hard-earned money, learned State counsel submits that no case for grant of this exceptional remedy of pre-arrest bail is made out. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival



contentions raised by learned counsel for the petitioner, learned counsel for the complainant and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of *the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.*"

Hon'ble the Supreme Court while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**", (2023 SCC Online SC 279) held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be



taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. *In Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another), a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail."*

In Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375, the Hon'ble Supreme Court held that "Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. Agreeing with the submissions advanced by learned State counsel, this Court is of the opinion that the presence of the petitioner is needed for custodial interrogation to throw light upon the intricacies involved in the case as also to find out the whereabouts of other co-accused, who have not been arrested till date, what is the *Modus Operandi* etc. of all accused, how many innocent persons have been duped



of their hard-earned money, to recover the money of complainant, thus, he (P) has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

10.02.2026
Hemant

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