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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-61900 of 2025 (O&M)
Date of Decision: 03.02.2026

Balram Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Pawandeep Singh, Advocate for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

Mr. Prabsimran Singh, Advocate for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

CRM-2172-2026

This application has been filed for placing on record the Trust Deed (Annexure P-6).

Application is allowed, as prayed for and the Trust Deed (Annexure P-6) is ordered to be taken on record.

Main Case

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.109 dated 02.10.2025 registered under Section 420 of IPC, at Police Station Behram, District SBS Nagar.

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2. Brief facts as per the prosecution case are that the petitioner cheated the complainant by fraudulently withdrawing an amount of Rs.7,70,000/- before and after death of Nirmal Singh Mann (father of the complainant) from his bank account. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has not committed any such offence. He submitted that the petitioner was residing with the complainant and his family to look after her family. He argued that in fact, the present FIR emanates out of civil dispute pending between the parties revolving around competing claims over the estate and property of late Nirmal Singh Mann. He argued that in the civil suit, learned trial Court has directed the parties to maintain status quo regarding the nature, possession, ownership, alienation of suit properties and operation of deceased's bank accounts. He further argued that if the contents of the FIR are taken to be true, even then the financial transactions conducted during the life time of the deceased, was with his consent, as is evident by the earlier Will and the long standing fiduciary relationship. He further argued that the petitioner has not withdrawn any amount after the death of the deceased on 29.01.2022, except for the redemption of the mutual funds where his mother was the nominee. The case is primarily based on documentary evidence which are already with the investigating agency. No recovery is to be effected from the petitioner. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

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4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, SBS Nagar, vide order dated 30.10.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner was specifically named in the FIR. He further argued that the petitioner fraudulently withdrew huge amount from the account of the father of the complainant, not only when he was at United Kingdom prior to his death but even after his death on 29.01.2022. He further argued that the bank statements substantiate unauthorized withdrawals by the petitioner from the bank account of Nirmal Singh Mann. He further argued that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter, to recover the amount involved as well as to unearth the modus operandi of accused. Hence, he prays for dismissal of the petition.

6. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of anticipatory bail to the petitioner, has contended that the petitioner is the main perpetrator of the crime and, thus, does not deserve the concession of bail.

7. Heard.

8. In the present case, the allegations against the petitioner are serious in nature. He is specifically named in the FIR. As per the status

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report, the petitioner fraudulently withdrew huge amount from the account of the father of the complainant even after his death. The investigation so far indicates *prima facie* involvement of the present petitioner in the alleged fraud. Thus, custodial interrogation of the petitioner is required to uncover the modus operandi and to recover the amount involved. While considering plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective



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interrogation of a suspected person is of tremendous advantage in disinterring many useful information 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. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, the Supreme Court held as under: (SCC p.386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty".



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Economic Offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in economic offences, the accuse is not entitled to anticipatory bail.

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83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail”.

11. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

12. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

03.02.2026
D.Bansal

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