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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
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CRM-M No.63497 of 2025
Date of decision: 23.03.2026

Mahabir Singh @ Mahabir Singh Aulakh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ritesh Pandey, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

Ms. G.K. Mann, Senior Advocate with
Ms. Chandrika, Advocate,
Ms. Shruti, Advocate and
Mr. Anmol Jeevan Singh Gill, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short
'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
250	14.10.2025	Lopoke, District Amritsar Rural	406 and 420 of IPC

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2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Baljeet Kaur on 14.10.2025 alleging therein that she was interested to send her son abroad. She required money for this purpose. The present petitioner who was a good friend of her son Sandeep and was a regular visitor to their house, assured that he would lend money to her at very low rate of interest but asked her to pledge her gold ornaments for that purpose by further representing that he would keep those ornaments safely in the locker of his bank. Believing the petitioner, the complainant went along with the petitioner to Punjab National Bank, Chogawan Branch along with her gold ornaments which weighed 14 tolas. In her presence, the petitioner kept her gold ornaments in his locker and then by representing that he would withdraw an amount of Rs.10 lakhs from Chogawan Branch of Punjab and Sind Bank and give the same, he took her to that bank. He filled form for withdrawing money in presence of the complainant and deposited the said form in the cash counter of the bank. An employee of the bank had told that the server was down and also assured that the money would be transferred in the bank account of the complainant by evening. Believing him, the complainant came back. However, no money was received by her. She made inquiries and came to know from the bank that the petitioner had given instructions to not to withdraw money from his

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account and to deposit the same in the bank account of the complainant. By alleging that she had been cheated by the complainant, she prayed for taking action against the petitioner.

3. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 01.11.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, Sandeep Singh son of the complainant was his friend. His fiancée was living in Italy. He had allured the petitioner on the premise of settling him in Italy with the help of his fiancée. On 20.11.2023, father-in-law of the petitioner had sold some land and was having money and this fact was within the knowledge of son of the complainant. On his asking, the petitioner had transferred an amount of Rs.2,70,000/- during the period from 26.12.2023 till 05.02.2024 in the bank account of Harjot Singh and Gursewak Singh who are cousin brothers of Sandeep Singh and also paid Rs.6,00,000/- in three instalments to Sandeep Singh in cash and thus he has paid total amount of Rs.8,70,000/- to Sandeep Singh.

5. It is further argued that in March 2024, the petitioner along with his own mother had gone to Punjab National Bank to keep some gold ornaments in their locker. The complainant was also present there for the purpose of withdrawal of her pension and on being told by his

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mother that she had come to keep her gold ornaments in locker, she had insisted to show the same on the pretext that she also wanted to buy some gold ornaments for her daughter-in-law. Subsequently, the son of the complainant moved complaint to the police and the police wrote a letter to his banker for seizing of his bank locker. He is not beneficiary of any transaction. He is ready to join investigation. No case for commission of subject offences has been made out as against him. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

6. Memo of Appearance on behalf of the complainant has been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. Learned counsel for the complainant has given the verbal details of the jewellery items which are alleged to have been taken by the petitioner from the complainant. It is argued that the petitioner by gaining the trust of the complainant duped her and caused wrongful loss to her by taking her gold ornaments weighing 14 tolas and misappropriating the same with a dishonest intention. It is submitted that for the purpose of conducting thorough and proper investigation in the matter and for recovery of ornaments of complainant, custodial interment of the petitioner is must. It is, thus, argued that the petition does not deserve to be allowed.

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7. This Court has considered the rival submissions.

8. The petitioner is alleged to have induced the complainant to part with her jewellery weighing 14 tolas on the premise of giving loan to the tune of Rs.10 lakhs to her for the purpose of sending her son abroad. The allegations make out a prima facie case for commission of aforementioned offences against him. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. 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's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of

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anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.03.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No