

2026 PHHC 065376



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

203

CRM-M-63753-2025 (O&M)
Date of decision : 29.04.2026

Gurpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Pranav Handa, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Sandeep Arora, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') seeking cancellation of anticipatory bail granted to respondent No. 2- Parminder Kaur in FIR No. 214 dated 07.10.2025, registered under Sections 316(2) and 318(4) of BNS at Police Station Maqsudan, District Jalandhar (Rural) , vide order dated 28.10.2025, passed by the Court of learned Additional Sessions Judge, Jalandhar.

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 moved by the present petitioner alleging therein that respondent No.2-

Parminder Kaur and her son Amritpal Singh had projected themselves as “Bengali Baba/Tantrik” by putting up posters and claiming to cure ailments and solve problems through rituals. The petitioner/complainant, who was suffering from health issues, came into contact with them, who started visiting his house. They induced him to believe that there was hidden gold beneath his house and persuaded him to not to sell the property. On this pretext, they demanded money for performing rituals and arranging gold and silver coins. The petitioner/complainant paid a total sum of approximately Rs.20 lakhs to respondent No. 2 and her son. In return, they gave certain cheques as assurance, promising to return double of the amount if no gold was found. However, upon excavation, no gold was discovered. Thereafter, the accused started avoiding the complainant. They failed to return the money to the petitioner and allegedly extended threats when he demanded repayment. The cheques issued by the accused were dishonoured. While alleging that respondent No. 2 and her son, in connivance with each other, cheated him and dishonestly induced him to part with a substantial amount of money under false pretences, the petitioner/complainant prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Apprehending her arrest, respondent No. 2 filed an application for grant of anticipatory bail before the Court of the learned Additional Sessions Judge, Jalandhar. Vide order dated 18.10.2025, the petitioner was granted interim bail with a direction to join the investigation and then vide order dated

28.10.2025, on her joining the investigation, the order dated 18.10.2025 was made absolute, thereby granting her concession of anticipatory bail.

4. It is argued by learned counsel for the petitioner that the impugned order granting bail to respondent No. 2 suffers from patent illegality and non-application of mind to the material on record. It is submitted that the allegations disclose a well-planned and organised act of cheating, wherein the petitioner and co-accused by posing as “Bengali Baba/Tantrik”, lured the petitioner/complainant and induced him to part with a substantial amount of approximately Rs.20 lakhs on the false pretext of extracting hidden gold from his property. The gravity and nature of the offence have been completely overlooked by the learned Additional Sessions Judge. Despite serious allegations of fraud, deceit and criminal intimidation, not even a single penny has been recovered from the accused. The absence of recovery, coupled with the magnitude of the amount involved, clearly warranted custodial interrogation, which has been unfortunately denied. It is further argued that the accused adopted a systematic *modus operandi* by putting up public posters and targeting unsuspecting individuals under the guise of black magic and superstition, thereby posing a larger threat to society. The possibility of similar offences against other victims cannot be ruled out and, therefore, the matter involves significant public interest which has been ignored by the Court concerned.

5. It is further argued by learned counsel for the petitioner that the Court concerned had erroneously relied upon the issuance of cheques and pendency of proceedings under Section 138 of the Negotiable Instruments

Act, without appreciating that the liability arising therefrom is distinct and does not dilute the criminality involved in the present case. It is, thus, argued that the impugned order is liable to be set aside, the petition deserves to be allowed and the benefit of bail granted to respondent No. 2 is liable to be withdrawn.

6. Respondent No. 1-State has filed reply submitting that respondent No. 2 had joined the investigation on 24.10.2025. Co-accused Amritpal Singh and Labh Singh were also granted concession of interim bail and they had also joined investigation on 28.11.2025.

7. Respondent No. 2 has also filed reply contesting the petition and asserting that no ground for allowing the same is made out. Hence, he has prayed for dismissal of the present petition.

8. This Court has heard the rival submissions.

9. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam vs. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail. Reliance can

further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others vs. State of Haryana :1995 SCC (1) 349***.

10. On applying the aforesaid principles to the facts of the present case and on going through the material placed on record, it is revealed that the grievance of the petitioner essentially rests on re-appreciation of the material which was already before the Court concerned while granting anticipatory bail and thereafter making it absolute. A perusal of the order dated 18.10.2025 would show that the learned Additional Sessions Judge had taken note of the allegations in detail, the nature of the dispute and the surrounding circumstances. The Court concerned specifically recorded that the dispute, at its core, pertains to recovery of money and is already the subject matter of parallel proceedings, including a complaint under Section 138 of the Negotiable Instruments Act and a civil action between the parties. The element of custodial interrogation was consciously examined and found unnecessary at that stage, particularly in view of the stand of respondent No. 2 that she was willing to join investigation. It is not in dispute that respondent No. 2 has joined the investigation pursuant to the interim protection granted and that the said order was thereafter made absolute. There is nothing on

record to suggest that she has misused the concession of bail, attempted to evade the process of law, influenced witnesses or otherwise obstructed the course of investigation. In the absence of any supervening circumstances, interference at this stage would run contrary to the settled principles governing cancellation of bail. The contention regarding non-recovery of the amount cannot be a determinative factor for cancellation of bail, particularly when the investigation is still ongoing and the presence of the accused has already been secured. This Court also does not find that any irrelevant material was taken into consideration or that any relevant material was ignored by the learned Court while granting anticipatory bail. The view taken is a plausible one based on the material then available and does not suffer from such perversity or illegality so as to warrant interference under Section 483(3) of the BNSS.

11. In view of the above discussion, no ground is made out for cancellation of anticipatory bail granted to respondent No. 2. The present petition, being devoid of merit, is accordingly dismissed.

29.04.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No