



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

CRM-M-64004-2025

Date of decision: 11.02.2026

GAGAN SHARMA ALIAS RAHUL

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Amandeep Sharma, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

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.0093 dated 04.04.2022, registered under Sections 420, 467, 468, 471, 120-B of BNS, at Police Station Civil Lines, District Amritsar.

2. Brief facts of the present case are that the petitioner along with co-accused got prepared forged and fabricated documents for getting a personal loan approved in favour of co-accused Sukhdev Raj. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner is innocent and he has not committed any offence. He submits that name of the petitioner came into light on the disclosure statement of the co-accused and apart from disclosure statement, there is no cogent evidence against the petitioner on record. He further submits that the petitioner is not the beneficiary of the fraud and the amount has been disbursed into the bank account of the co-accused. He submits that the only role attributed to the



petitioner is that he had transferred pdf files from his Whatsapp to the bank employee. He submits that co-accused Sukhdev Raj has already been granted concession of regular bail by a Co-ordinate Bench of this Court vide order dated 11.09.2023 in *CRM-M-43807-2023*. He submits that the petitioner has clean antecedents as he is not involved in any other case. Learned counsel 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.

4. After registration of the FIR, investigation has been initiated and is under way qua the petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the learned Additional Sessions Judge, Amritsar vide order dated 01.10.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, and he, while referring to the same, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He submits that the petitioner has played a crucial role in commission of the crime as all the forged documents of the co-accused Sukhdev Raj were prepared and submitted to the bank by the petitioner. Thus, learned State counsel prays that custodial interrogation of petitioner is required for effective investigation. Learned State counsel prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the prosecution, it was the petitioner who has prepared all the fake documents of the co-accused Sukhdev Raj and submitted



accused has also admitted to have committed the offence in connivance with the present petitioner. The investigation prima facie indicates direct involvement of the petitioner in the said offence. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine and 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.

8. 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 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."

9. 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 enroled in the crime and would not misuse his liberty".

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”.

10. 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 hereby dismissed.

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

(RUPINDERJIT CHAHAL)
JUDGE

11.02.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No