



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

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CRM-M-64049-2025 (O&M)

Date of decision: 11.02.2026

Manish Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Surendra Pant, Advocate for the applicant-petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

Mr. Yash Goyal, Advocate for respondent No.2.

AARADHNA SAWHNEY, J.(ORAL)**CRM-5697-2026**

By virtue of the present application, applicant prays for grant of interim anticipatory bail to him during the pendency of the main petition by preponing the date of hearing.

Contents of the application perused.

In view thereof, the same is partly allowed and the main case is preponed and is taken up on Board today itself.

Main Case

1. Petitioner, an accused in case bearing FIR No.58 dated 23.05.2025 registered against him at Police Station Nurpur Bedi, District Rupnagar, for the commission of offences punishable u/s 406 and 420 IPC, has prayed for grant of pre-arrest bail.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Rajvir, son of Bal Krishan, r/o Chatia Aatia, District Sonipat, who was working as a driver in the office of Commissioner of Municipal Corporation, Panchkula, from 2019 to 2023, set the



criminal law in motion by filing a complaint pointing therein that in June 2023, he met one Jasvir who was working as a driver in the aforementioned office. He (C) shared his intention to go abroad with Jasvir, who later introduced him (C) to Manish Kumar (present petitioner), and assured him that Manish (P) would be able to help him in going/settling abroad on Work Visa. He shared this information with one of his other colleagues namely Davinder Singh, who also wanted to settle abroad. Complainant has further alleged that in presence of Jasvir Singh, Manish Kumar (P) assured of his good connections as also that he would be able to send both of them (Complainant and Devinder) to Canada on Work Visa for 2 years. The deal was struck at Rs.12 lakhs each from complainant and Devinder Singh. It was further agreed that Rs.3 lakhs each would have to be paid in advance and the remaining amount be handed over after they reach Canada. Somehow he (C) got taken in, in these sweet talks and false promises/ assurances. Both he (C) and Devinder handed over their personal documents including passports etc. and also paid Rs.3 lakhs each to present petitioner. When Manish (P) kept on delaying the matter on one pretext or the other, both he (C) and his colleague made enquiries at their own level when they came to know that in fact Manish is working as Class-IV employee in Punjab and Sind Bank and is presently posted in a Branch of the Bank in a district in Punjab. Many a times they requested Manish (P) to return their amount as also their personal documents but no heed was paid. Primarily with this backdrop, he (C) requested the police officials to catch hold of Manish (P) as also to initiate appropriate proceedings against him.

On receipt of complaint, the matter was enquired into by the police officials, who also collected statement of accounts of both complainant and Devinder Singh. It was found that Rs.6 lakhs had been paid by complainant and Devinder Singh to present petitioner, who during the



course of enquiry appeared before the IO and agreed to return the amount as also their passports. Though, the passports of both complainant and Devinder Singh were returned but the amount illegally pocketed by present petitioner still remains unpaid. On finding substance in the allegations leveled by complainant, a formal case vide FIR No.58 dated 23.05.2025 u/s 406 and 420 IPC, was registered against present petitioner. Proceedings were set into motion.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Rupnagar. The same was dismissed vide order dated 05.08.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. On no occasion any assurance or promise was ever extended by petitioner either to complainant or Devinder Singh. Entire facts have been twisted by complainant, who with an ulterior motive has given a coloured version in the complaint. Continuing further, learned counsel contends that about 2 ½ years ago, there were personal financial transactions between petitioner and complainant. On account of intervention made by some common family friends, the financial dispute was settled through bank transactions made by complainant and his colleague. However, later, the greed got better of complainant, who again started demanding money. When petitioner refused, both complainant and Devinder Singh threatened to involve him in a false case. Thus, the crux of submission raised by learned counsel is that petitioner, who is working as Peon in a branch of SBI, Garhshankar, District Rupnagar (Punjab) has been falsely implicated. If he was so well connected, he would have himself gone abroad. Allegations leveled being totally frivolous, learned counsel contends that custodial interrogation of petitioner is not needed as nothing is to be



recovered from him. Nonetheless, being a law-abiding citizen, petitioner 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*, learned State counsel as also learned counsel for the complainant have opposed the request for grant of anticipatory bail on the ground that a calculated fraud has been played by petitioner not only upon complainant but also on his other colleague as well. Petitioner kept on falsely assuring complainant and his colleague Devinder Singh that he would send them to Canada initially on work permit. The deal was struck at Rs.12 lakhs each. The fact that during the course of enquiry police officials found that Rs.6 lakhs was credited in the account of petitioner, who also admitted his liability and in fact returned the passports of both complainant and his colleague, clearly indicates his complicity in the incident. Despite assuring to return the money, he did not do the needful. Both learned counsel, thus, contend that in the light of such like incidents being on the rise where innocent persons are duped of their hard earned money, no case for grant of this exceptional remedy of pre-arrest bail is made out as the custodial interrogation of petitioner is needed to recover the money of the complainant, as also to find out how many other unsuspecting innocent persons have been duped, who all are involved in this racket in which the innocent persons are lured to hand over their hard earned money by extending false promises of sending abroad, what is their *Modus Operandi* etc. 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 as also learned counsel for the complainant, this Court is of the opinion that the custodial interrogation of petitioner is needed to recover the money of the complainant (Rs. 6 lakhs credited in the account of petitioner) as also to find out how many other unsuspecting innocent persons have been duped, who all are involved in this racket where innocent persons are lured to hand over their hard earned money by extending false



promises of sending them/their family members abroad, what is their *Modus Operandi* etc. The plea of the petitioner that there were some financial transactions between him and the complainant and in this context that complainant deposited money in his (P) account remains unsubstantiated. Thus, petitioner has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extraordinary relief of pre-arrest bail.

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

(AARADHNA SAWHNEY)
JUDGE

11.02.2026

Hemant

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