



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-68177-2025

Harpreet Singh Gulati ...Petitioner

Versus

State of Punjab and others ...Respondents

1.	The date when the judgment is reserved	February 24, 2026
2.	The date when the judgment is pronounced	May 7, 2026
3.	The date when the judgment is uploaded on the website	May 7, 2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Charanjit Singh Bakhshi, Advocate,
Ms. Mallika, Advocate, Mr. Aryan Sharma, Advocate,
Mr. Simran Kang, Advocate, Mr. Gurjeet Singh Saini, Advocate
and Mr. Fatyehab Singh, Advocate
for the petitioner.

Mr.Ferry Sofat, Additional Advocate General, Punjab.

TRIBHUVAN DAHIYA, J.

The petition has been filed for setting aside the order dated 30.11.2025, Annexure P-8, passed in FIR no.22 dated 25.06.2025, under Sections 13(1)(b), 13(2) of the Prevention of Corruption Act, 1988 (for short ‘PC Act’), whereby learned Magistrate granted six days’ police remand of the petitioner to the Vigilance Bureau, Mohali. *Secondly*, prayer has been made to declare the petitioner’s arrest as illegal, on the ground that he has earlier been cited as a prosecution witness by the investigating agency, and his arrest on 29.11.2025 amounts to conducting re-investigation/fresh investigation of the



case, which is illegal having been done without seeking permission of the trial Court.

2. Facts of the case in brief are, the aforementioned FIR was registered against a former Minister and member of the Legislative Assembly in the State of Punjab - Bikram Singh Majithia for accumulation of disproportionate assets. He was arrested on 25.06.2025. After completing investigation *qua* the said principal accused, final report under Section 193 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, (corresponding Section 173 Cr. P.C.) was filed before the Additional Sessions Judge, SAS Nagar, Mohali, on 22.08.2025, followed by a supplementary report dated 01.11.2025 enclosing sanction of prosecution granted by the Governor. The petitioner's statement was recorded as a witness by the investigating agency under Section 180 BNSS (corresponding Section 161 Cr. P.C.), and he was cited as a prosecution witness at serial number 107 in the list of witnesses appended to the final report. The report stated that the investigation was pending only *qua* some persons/company summoned during the investigation who had filed writ petitions in this Court which were pending consideration.

2.1 As investigation into wider financial network involving layering and diversion of funds by the principal accused was ongoing, the role of the petitioner and his associate - Amardeep Singh, emerged with respect to the financial trail. Six entities under the control of petitioner and his associates were identified as central conduits for routing funds to entities linked to the principal accused. It was also revealed that these entities were not functioning as independent commercial outfits, but were merely being utilised for layering and transfer of unaccounted funds to facilitate accumulation of movable and



immovable assets of the principal accused as proceeds of crime. Further allegations in the reply filed by the State are:

That though the Petitioner initially joined the investigation on 20.08.2025, he did so only two days before the filing of the challan against the main accused on 22.08.2025. His participation was perfunctory and limited only to the filing of certain statutory returns of his companies. His statement under Section 180 BNSS did not contain even a single disclosure regarding the substantial financial transactions between his companies and the entities connected to the main accused and the real understanding/ motive behind these transactions.

That after filing of the challan, the Petitioner was again summoned under Section 179 BNSS to explain the source of large funds advanced by his firms/companies to the entities associated with the main accused in the guise of unsecured loans/advances. True copy of the above mentioned summon is annexed herewith as Annexure R-2. Despite repeated notices, the Petitioner avoided joining the investigation on the pretext of ill health and failed to produce the required documents, thereby obstructing the investigation.

That after nearly three months of follow-up, and on the basis of fresh incriminating material collected during investigation, the Petitioner was nominated as an accused on 29.11.2025.

2.2 In these circumstances, the petitioner was arrested on 29.11.2025 and produced before the learned Magistrate on 30.11.2025, who allowed six days' police remand vide the impugned order. The Court observed that he had



been selective in providing information and did not cooperate with the investigating agency in tracing the real source and trail of funds. Again, based on further material that came to notice of the agency, it submitted an application in the Special Court, dated 03.01.2026, seeking police remand of the petitioner. This was contested by him by filing a reply, Annexure R-9. After hearing the parties, one day police remand was again granted to facilitate further investigation vide order dated 06.01.2026, Annexure R-10; relevant extract whereof reads as under:

10. This Court has gone through the request of the investigating agency and the record with the Court. It is admitted fact by both the parties that accused Harpreet Singh Gulati was joined as witness during the proceedings and even he handed over the documentary evidence to the investigating agency. But as per the police diary produced in the Court by the investigating officer when the investigation was further conducted on the basis of those documents fresh facts had come on the record which are based upon documentary evidence available with the investigating agency. The above stated statement of Harpreet Singh Gulati reveals that he is ready to cooperate with the investigating agency by giving answers to the best of his knowledge and the fact that the investigating agency is ready with the questionnaire which can be put to him.

11. So keeping in view the facts and circumstances and the provisions of the section 187 (2) of BNSS and in order to facilitate the further investigation, this Court deems it fit to grant one day police remand. However, it is made clear that the investigating agency will stick to it's stand mentioned in the application and to the questionnaire. It is further ordered that the police custody will be subject to the medical examination or any medical requirement of



the accused. He is even allowed to meet his counsel during the said period for a period of one hour.

Later, the petitioner was released on regular bail by the Additional Sessions Judge vide order dated 07.02.2026.

3. In this factual background, learned counsel for the petitioner contended that despite the petitioner having been released on regular bail, the instant petition would be maintainable as he has challenged his arrest on 29.11.2025. The said action is in violation of the settled law, since after citing the petitioner as a prosecution witness in the final report, he could not have been arrested. Once the report had been presented, no further investigation in the case could have been carried out without prior approval of the Magistrate which was admittedly never obtained. Besides, there was no legitimate reason to arrest the petitioner without issuing any notice to join the investigation. He was arrested the very day he was nominated as an accused. Even the arrest memo, Annexure P-5, reveals that the facts mentioned therein had already been thoroughly investigated by the Vigilance Bureau; it is apparent from the final report also. In support of the submission, he has relied upon the law laid down by the Supreme Court in *Pramod Kumar and others v. State of U.P. and others*, 2026 SCC OnLine SC 156. *Lastly*, it is submitted that the petitioner is not required to separately challenge the order dated 06.01.2026, granting one day's police remand, as he has already prayed in the instant petition - 'pass any other order or grant any other relief deemed just and proper in the interest of justice, in the facts and circumstances of the present case'.

4. *Per contra*, learned State counsel contended that the petitioner was nominated as an accused since the material collected during the investigation revealed his complicity. It is incorrect to contend that the



investigating agency conducted fresh investigation without seeking prior permission of the competent Court. The investigation *qua* firms and companies associated with the main accused was pending at the time of presentation of final report and was continuing thereafter. This exercise was strictly in the nature of further investigation and it cannot be termed as re-investigation or *de novo* investigation, which would require prior judicial permission.

5. Submissions made by learned counsel for the parties have been considered.

6. As per the material brought on record, the petitioner controlled six entities/firms and companies which were allegedly used for layering and transfer of funds to facilitate accumulation of assets by the principal accused as proceeds of crime. Although he was initially cited as a witness by the investigating agency in the final report presented to the Court on 22.08.2025, it finds mention in the report itself that the investigation was pending *qua* some persons/companies associated with the main accused. The petitioner has also been accused of not revealing complete facts to the investigating agency. It was during the course of continuing investigation that incriminating material came to notice of the investigating agency, showing his involvement in the case with the principal accused leading to his nomination as an accused himself, and the consequent arrest on 29.11.2025.

7. Concededly, after passing of the impugned order dated 30.11.2025, granting police remand of the petitioner for six days, learned Magistrate again permitted his remand for one more day to facilitate further investigation vide order dated 06.01.2026, which has not been challenged by him. Making the prayer to '*pass any other order or grant any other relief*



deemed just and proper in the interest of justice' would not obviate the need to challenge the order itself, as contended by learned counsel for the petitioner. This prayer does not show in any manner that the said order is under challenge; it is only an invocation to the Court's jurisdiction and power to pass any other order as deemed just and proper, which cannot be read to mean a specific challenge to the order in question, dated 06.01.2026. Doing so would be conjunctural. It does not meet another essential requirement also, that is, putting the respondent to adequate notice about the challenge, and without it the challenge cannot be entertained. Further, it remains settled that any relief not explicitly sought by the petitioner based on the facts and grounds mentioned/pleaded, cannot be granted. Also, he has already been released on regular bail by the trial Court vide order dated 07.02.2026. In view of these facts, prayer for setting aside the order of remand, dated 30.11.2025, cannot be considered as it has been rendered infructuous.

8. The second prayer for declaring the petitioner's arrest as illegal, is also without substance. The challenge has been laid only on the ground that the investigating agency was not entitled to carry out further investigation in the case leading to nomination of the petitioner as an accused, without prior approval of the Court under Section 193(9) BNSS (corresponding Section 173(8) Cr.P.C.). However, it is not a case where the investigation had concluded at the time of presentation of final report against the principal accused. Undeniably, the report itself mentioned that other connected persons/entities were under investigation. As per law settled by the Supreme Court in *Dharam Pal v. State of Haryana and others*, 2016 (4) SCC 160, the police have unrestricted power to conduct further investigation under Section 173(8)

Cr.P.C. The relevant paragraph of the judgment reads as under:



21. In this context, we may notice the statutory scheme pertaining to investigation. Section 173 CrPC empowers the police officer conducting investigation to file a report on completion of the investigation with the Magistrate empowered to take cognizance of the offence. Section 173(8) CrPC empowers the officer-in-charge to conduct further investigation even after filing of a report under Section 173(2) Cr.P.C. if he obtains further evidence, oral or documentary. Thus, the power of the police officer under Section 173(8) Cr.P.C. is unrestricted. Needless to say, the Magistrate has no power to interfere but it would be appropriate on the part of the investigating officer to inform the Court. It has been so stated in *Rama Chaudhary v. State of Bihar*.

8.1. Likewise, *Pramod Kumar* case (*supra*) too does not advance the petitioner's case in any manner, as the facts therein are entirely different. In that case, after completion of investigation it had been concluded that no offence was made out against the accused, and a closure report was presented in the Court. Thereupon, notices were issued to the complainant to file protest petition, but despite service of notices he failed to appear before the Court and/or file the petition. Accordingly, the closure report was accepted by passing an order to that effect. Subsequently, after a gap of about three years, the complainant approached the Sessions Court for setting aside the order passed by the Magistrate accepting the closure report. At the same time, a complaint was filed before the National Human Rights Commission alleging several deficiencies in the investigation conducted by the police. The Commission, consequently, directed the Director General Police (DGP) to get a fact-finding enquiry conducted by a senior officer. Accordingly, DGP nominated an Inspector to carry out further investigation in the case under Section 173(8) Cr.P.C., and an application was filed before the Magistrate



seeking permission to conduct further investigation, which was never granted. Pursuant thereto, the investigating agency sent notices to the accused to join the investigation. In these circumstances, the Court held that the investigation was carried out without adhering to the procedure laid down for further investigation, as leave of the Court was not sought for the purpose. Referring to the law on the issue, it was reiterated that the power to direct further investigation of the case rests solely on the discretion of the Magistrate/Court concerned. And in case the investigating agency is of the opinion that further investigation is necessary in any particular case to cull out complete facts, it is binding upon them to file appropriate application before the Magistrate, without carrying out further investigation on their own. Such a situation does not arise in the instant case as the investigation had not been concluded by the investigating agency, nor any closure report had been filed. In case, based upon the material noticed during the continuing investigation, it has been decided to nominate the petitioner as an accused, no exception can be taken to it.

9. Accordingly, finding no merit in the petition, it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

07.05.2026
Mehak

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No