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(105)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision :25.02.2026

AMANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. D.S. Saini, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.74 dated 15.06.2025 registered under Sections 316(2), 318(4) of BNS, 2023 at Police Station City Morinda, District Rupnagar.

2. The present FIR came to be registered at the instance of Harinder Singh and the same reads as under.

“Copy of application Application No. 534-SSP dated 10.06.2025, To The Hon'ble Senior Superintendent of Police, Rupnagar. Subject: Application against Amandeep Singh (Mobile No. 99140-04357), age 47 years, son of Shri Amarjit Singh, resident of Village Rangiyana, Police Station Sadar Morinda, District Rupnagar, regarding cheating with the applicant and misappropriation of the applicant's money. Respected Sir, Humbly submitted as under: 1. That I, the applicant Harinder Singh, son of Shri Jarnail Singh, resident of Village Dharak Khurd, Tehsil Kharar, District



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S.A.S. Nagar (Mohali), and presently serving as a sewadar at Gurdwara Sahib Sri Kotwali Sahib, Morinda, District Rupnagar, am submitting this application. 2. That in the present application the applicant has mentioned Amandeep Singh, resident of Village Rangia, with whom the applicant came into contact through a financier Harjeet Singh, resident of Village Bhateri, Tehsil Morinda, District Rupnagar. Thereafter, the said Amandeep Singh frequently started visiting the applicant. 3. That after maintaining continuous contact, the said Amandeep Singh told me that he generally runs committee transactions, and he motivated me to invest in committees. On his asking, I started depositing committees with him, and in this manner he took ₹2,60,000/- from me. When the time came to return the said money, Amandeep Singh started avoiding and delaying the payment. 4. That when Amandeep Singh continued to evade payment, some respectable local persons of Morinda were involved and discussions were held with him. In their presence, he admitted his liability and out of the total amount of ₹2,60,000/-, he paid ₹52,000/- in instalments, but thereafter he did not pay the remaining amount. After paying ₹52,000/-, a balance of approximately ₹2,08,000/- remained due against Amandeep Singh. I had submitted an application against Amandeep Singh before the Hon'ble DSP, Morinda, which was later registered as Application No. 31/5, DSP Morinda dated 23.01.2024. During inquiry, when the DSP questioned Amandeep Singh regarding cheating, he admitted his liability of ₹2,08,000/-. In the presence of some respectable persons of Morinda, including Paramatma Singh son of Charan Singh, resident of Morinda, District Rupnagar, Amandeep Singh executed a written compromise, admitting his liability of ₹2,08,000/-, signing the compromise of his own free will, without any



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pressure, in the presence of witnesses. 5. That after the compromise, when the applicant withdrew his complaint before the DSP, Amandeep Singh issued a cheque No. 441077 dated 23.02.2024 for ₹2,08,000/- to settle the liability. However, when the applicant deposited the said cheque in his account at UCO Bank, Morinda, the cheque was returned unpaid. It was revealed that the account number written on the cheque did not belong to Amandeep Singh. Copies of the compromise, the cheque, and the bank return memo are annexed with this application. 6. That firstly, Amandeep Singh cheated and committed criminal breach of trust by not paying the amount due to the applicant in time, and thereafter he again committed forgery and cheating by issuing Cheque No. 441077 dated 23.02.2024, mentioning a fake account number, so that the cheque may not be encashed. Thus, Amandeep Singh has again cheated and forged. 7. That after the cheque bounced, the applicant contacted Amandeep Singh along with some respectable persons and informed him of all facts, but Amandeep Singh, having no fear of law, clearly stated that he would not pay the applicant's money and that the applicant may take whatever action he wishes. He further threatened the applicant that if he did not stop the proceedings, he would have to face serious consequences. He openly claimed that he has good connections with police and leaders and could cause physical and financial harm to the applicant. It is noteworthy that Amandeep Singh is a resident of Village Rangia and has links with anti-social elements. Thus, he is illegally withholding ₹2,08,000/- of the applicant. 8. That thereafter, the applicant submitted another application to the Hon'ble SSP, Rupnagar regarding the liability and cheating by Amandeep Singh, which was forwarded to the SSP,DSP



Sub-Division Morinda. This. DSP summoned Amandeep Singh and directed him to pay the applicant's money. However, Amandeep Singh again misled both the police and the applicant, giving a written assurance that he would pay the entire amount later and requested that no police action be taken. 9. That once again, the applicant fell into the false assurance of Amandeep Singh and withdrew his application pending before the DSP Morinda, stating that if some time is given, he has no objection. However, even after the written assurance, Amandeep Singh failed to return the money. At the time of withdrawal of the complaint, in the presence of the DSP, Amandeep Singh issued a A/c no. 6737628184 dated 10.01.2025 for ₹1,00,000/-, of Indian Bank, which half of the amount due, he gave cheque or the complainant and asked him to withdraw the complaint and the cheque which Amandeep has given to the complainant, asked him to apply it also in the bank and at that time he assured him that he will arrange payment of remaining amount .i.e. ₹1,08,000/- with interest 10. That again trusting the words of the police and Amandeep Singh, the applicant again withdrew his complaint as per compromise and deposited above said Cheque, A/c No. 6737628184 dated 10.01.2025 in the bank for encashment. 11. That unfortunately, Amandeep Singh once again cheated the applicant and escaped from his liability. It is pertinent to mention that the applicant withdrew all previous applications only on the assurance that Amandeep Singh would pay the due amount, otherwise the applicant would pursue legal remedies. 12. That even now, Amandeep Singh is liable to pay ₹2,08,000/- along with interest, and the applicant is entitled to get an FIR registered against him under criminal law for cheating, forgery, and criminal breach of trust, and to seek justice.



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13. That above said Amandeep Singh, resident of Village Rangia, is a very clever and deceitful person, who has taken undue advantage of the applicant's innocence and kind nature and has committed cheating, misappropriation, and forgery, for which legal action is required. Therefore, the applicant prays that all previous applications be reopened, an FIR be registered against Amandeep Singh under appropriate sections, and justice be done to the applicant.

Date: 03.03.2025 Yours faithfully Sd/- XXXXXXXX.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations would constitute a civil dispute at best as the petitioner had no intention at the very outset to cheat the complainant. The complainant has the efficacious statutory remedy under the Negotiable Instruments Act to proceed against the petitioner. As the petitioner is ready and willing to join investigation, he be granted the concession of anticipatory bail.

4. On the other hand, the learned State counsel contends that the petitioner has cheated the complainant of his hard-earned savings. An amount of ₹2,08,000/- remains to be paid to the complainant. A cheque issued has also been dishonoured. Prior to the registration of the FIR and even subsequent thereto, the petitioner has repeatedly misled the complainant stating that he is ready and willing to effect a settlement. However, the petitioner has made no attempt to repay the complainant. As the offence is *prima facie* established and the



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investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** **2022 Live Law (SC) 870** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting



anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

7. A perusal of the FIR would reveal that the petitioner induced the complainant to part with his savings by depositing the same in committees stating that he would earn profits. The complainant invested a sum of ₹2,60,000/-. A sum of ₹50,000/- was repaid. However, the remaining amount remains unpaid. A cheque issued in furtherance of



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the compromise has also been dishonoured. Even before this Court multiple opportunities have been sought to effect a settlement with the complainant. However, the petitioner has not attempted to repay the complainant. Be that as it may, it is a case where *prima facie* the offence stand established. The investigation is to be taken to its logical conclusion for which the custodial interrogation of the petitioner is certainly necessary.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

25.02.2026
JITESH

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