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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.73521 of 2025
Date of decision: 27.01.2026

Vinod Kumar Saini ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rimple Saini, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
114	05.09.2025	Mohkampura, District Police Commissionerate Amritsar	420 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Puneet Khanna alleging that the

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accused Madan Saini in connivance with his brother Vinod Kumar Saini i.e. the present petitioner and Pooja Saini had induced him to part with an amount of Rs.19,40,000/- on the premise of getting issued a franchise of Haldiram Sweets in his favour and by assuring the complainant to help him financially. After receipt of the aforementioned amount, the petitioner along with his wife had fled away from his house. When the complainant demanded his money from the co-accused Madan Saini, he was told that the same would be given only on return of the petitioner and his wife. However, even on their return subsequently, the money of the complainant was not given back and rather he was extended threats. By alleging that the complainant had been cheated at the hands of the petitioner and the co-accused, he prayed for taking action. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner filed an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 12.12.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, due to outbreak of Covid in the year 2020 and during the lockdown period, the petitioner was facing financial hardships. The complainant who was friend of his brother Madan Saini, had offered to start a business of money lending on interest basis to needy persons in partnership with his brother-in-law and one

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friend. The petitioner had agreed to the same. Multiple banking transactions had taken place between the complainant and himself during the course of that business. No cash money was, however, given by the complainant to the petitioner for the purpose of purchasing any franchise of Haldiram. He had received an amount of approximately Rs.11,12,700/- from the complainant and an amount of Rs.8,53,860/- has been returned by him to the complainant and his wife. The complaint has been filed after a delay of more than seven months by the complainant after making due deliberations and concoctions and by taking undue advantage of the entries made in the bank and by misusing the same. The complainant has concealed several bank entries. A compromise was effected between his wife Pooja Saini and the complainant. The petitioner is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. The co-accused have been extended benefit of pre arrest bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioner. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. No exceptional or extraordinary circumstance for grant of anticipatory bail is

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made out in favour of the petitioner. Accordingly, it is stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have duped the complainant of a sum of Rs.19,40,000/- on the premise of getting franchise of Haldiram issued in his favour. Admittedly, several bank transactions had taken place between the petitioner and the complainant. The plea taken by the petitioner is that these transactions had taken place on account of some money lending business which were carried on between him and the complainant. However, at this stage, there is no material on record to show so. The allegations make out a prima facie case for commission of offence punishable under Section 420 of IPC as against the petitioner. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is required. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity

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of the accusation, possibility of applicant’s fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.01.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No