



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

207

CRM-M-62215-2024

Date of decision: 10th January, 2025

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishab Bhandari, Advocate for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed 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
301	11.07.2024	Zirakpur, District SAS Nagar	420, 406, 465, 467, 468, 471 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement of the complainant Muhammad Yunus alleging therein that Poonam Bansal, who was acquainted with him, had introduced him to accused Sandeep Kumar who was running a company under the name of 'The Profit Planet' along with the present petitioner who is the brother of Sandeep Kumar and his brother-in-law Bittu. He alleged that all of them



induced the complainant and Poonam Bansal to invest money in their company and by assuring to give interest @ 15% per month and to make their investment double within a period of 6 months. On being induced by them, the complainant invested a sum of ₹1,00,000/- by transferring the same through online transaction whereas Poonam invested a sum of ₹15,00,000/-. The petitioner and co-accused also gave photostat copy of a certificate of registration shown to be issued in the name of the company of the petitioner by Reserve Bank of India. The money was given to Sandeep Kumar. After taking the money, the accused sent a mobile link to the complainant showing his ID and some password. Though the complainant could see the profit earned by him on the investment so made through that ID but despite making several attempts, he could not transfer any money from the application so given by the accused to his account. Feeling suspicious, he started contacting the petitioner and the co-accused but they neither picked up his phone nor contacted him. By alleging that the petitioner and co-accused had created a fake company and had duped him of a sum of ₹1,00,000/-, he prayed for taking action in the matter. After registration of FIR, investigation is underway. Apprehending his arrest the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, SAS Nagar vide order dated 05.12.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case on the basis of vague allegations. There is no documentary evidence against him. The case has been registered on assumptions. He does



not know the complainant. He hails from Fatehabad (Haryana), whereas the place of incident is Zirakpur to which he has no concern. There is eleven months' delay in reporting the matter to the police. The co-accused Bittu Ram has been extended benefit of pre-arrest bail. On parity, he too deserves to be released on bail. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The offences for which he has been booked are not made out against him even *prima facie*. Therefore, it is urged that the petition filed by him is deserves to be allowed.

4. Status report has been filed by respondent-State, as per which, there are specific and serious allegations against the petitioner who floated a company under the name of 'The Profit Planet'. He along with the co-accused induced the complainant and other victims to invest huge amount of money in the said company with a dishonest intention to cause wrongful loss to them and to misappropriate that money and has not returned the same. His custodial interrogation is must for conducting thorough investigation in the matter. An amount of Rs. 1,50,000/- had been transferred by the complainant in the bank account of the petitioner and the petitioner is required to be interrogated to elicit information qua the said deposit. Accordingly, is it urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have entered into a criminal conspiracy with the co-accused and in pursuance of the same, he along with



the co-accused is alleged to have induced the complainant and other victims to invest money in a company named as “The Profit Planet” by representing that this company was certified under Reserve Bank of India, though it was not so and was a fake company. The petitioner was specifically named in the FIR. Money is shown to have been transferred in his bank account by the complainant. His case cannot be stated at parity with the case of co-accused who had been extended benefit of pre-arrest bail. For the purpose of conducting proper investigation in the matter and to elicit the truth about the manner in which conspiracy was hatched by the petitioner with the co-accused to cause wrongful loss to the complainant, his custodial interrogation is must. 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 extraordinary 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 of the accusation, possibility of applicant 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 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, I am of the considered



opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

9. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*