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**107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-54005-2025

Decided on: 24.09.2025

Dalveer Singh @ Bira

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. N.K. Manchanda, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.73 dated 13.05.2025, registered under Sections 318(4), 316(2) of BNS, 2023, at Police Station Nihal Singh Wala, District Moga.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Sukhchain Singh. It was alleged that he contacted Dalveer Singh @ Bira (petitioner) and Arshdeep Singh, to send his daughter Inderjeet Kaur, to Canada on study visa. He handed over his daughter's original passport and certificate to Dalveer Singh @ Bira and Arshdeep Singh. They told him the total expenses for the same is Rs.20 lacs. The complainant transferred Rs.7,20,000/- to Dalveer @ Bira's account and gave Rs.30,000/- in cash and remaining amount was to be paid on receiving the visa. Hereinafter, the complainant kept pleading both Dalveer @ Bira and Arshdeep Singh for visa, but they kept on putting it off on one pretext or the other. They returned the original documents of his daughter, but the money paid by the complainant i.e. Rs. 7,50,000/- was



not returned to him. He found to have been cheated by both of them and thus, request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. Apprehending arrest the petitioner approached the Court of the learned Additional Sessions Judge, Moga for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 02.09.2025. Hence, aggrieved against the said order, the petitioner is before this Court by of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner and his son Arshdeep Singh had transferred the amount taken in the account of Inderjit Singh and Gurtej Singh Gill in Axis Bank Rudarpur. However, they found that Inderjit Singh in collusion with Jagdish Singh misappropriated the amount transferred in the their account by the complainant. He submits that the petitioner has also filed a civil suit titled as Dalveer Singh Vs. Jagdish Singh and others, for recovery before learned Civil Judge (JD), Nihal Singh Wala. He, thus, contends that no *prima facie* case has been alleged against the petitioner is made out. He submits that the petitioner and his son themselves are the victims. He has further submitted that in the overall fact and circumstances, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that for the purpose of thorough investigation, custodial interrogation of the petitioner is required and thus, no case for the grant of anticipatory bail is made out out.



5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the FIR was lodged on the statement of Sukhchain Singh. Specific allegations have been made by the complainant of having transferred the amount of Rs.7,20,000/- in the account of the petitioner. The contention raised by counsel for the petitioner that the amount was further paid to Inderjit Singh and Gurtej Singh Gill, would be of no consequences at this stage, as the same is matter of investigation. The investigation is at the initial stage.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*



(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an



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extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

24.09.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No