IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112 **CRM-M-60711-2025**

Date of decision: 30.10.2025

Gurpreet Singh

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Verma, Advocate for the petitioner.

Mr. Amit Goyal, Additional Advocate General, Punjab.

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SUMEET GOEL, J. (Oral)

1. The present petition is the third attempt by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail in case bearing FIR No.203 dated 02.11.2023, registered for the offences punishable under Sections 420 and 120-B of IPC at Police Station City Sangrur, District Sangrur Punjab.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 01.04.2025 and 01.07.2025 respectively and no opinion on merits have been expressed therein.

Thereafter, the present petition i.e. the third petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 29.10.2025.

2. The gravamen of the FIR in question pertains to defrauding the complainants namely Gurvinder Singh son of Mulakh Raj, resident of Ward

No.1, Basant Colonyu, Dhuri and Amarjit Singh son of Leela Singh, resident of village Barwal, Tehsil Dhur, District Sangrur, who alleged that the Gurpreet Singh (petitioner herein) alongwith co-accused Lakhvir Singh resident of village Gumti, District Sangrur cheated them of Rs.4,50,000/- by promising them government jobs. On 05.09.2021, at Kehla Park, the accused Lakhvir Singh and the petitioner approached the complainants, inquired about their work and education and assured them that they could secure government jobs in exchange for 10,00,000/- half payable in advance. Trusting their words as accused Lakhvir Singh is related to Amarjit Singh, the complainants made several payments (total amount of Rs.4,50,000/-) through bank transfers and cash between 08^{th} and 17^{th} September 2021. Out of this amount, Rs.1,40,000/- was transferred directly into the account of the petitioner. Thereafter, the accused stopped answering calls and made excuses instead of arranging the promised jobs. The complainants further alleged that the accused failed to provide any job and they have been cheated and mentally distressed which necessitated them to file a complaint leading to registration of the present FIR.

3. Learned counsel for the petitioner has iterated that the allegations contained in the impugned FIR are vague, baseless and devoid of any substantive material. Learned counsel has further iterated that the petitioner has no role in the alleged offence except that the co-accused Davinder Singh Tiwana, who was primarily responsible for the fraudulent activity got the money transferred to the account of the petitioner. Learned counsel has further submitted that the petitioner is a poor labourer with no criminal antecedents. The FIR was registered after an unexplained delay

from the alleged occurrence. Learned counsel has emphasized that the petitioner has already settled the matter with the complainants and returned the amount of Rs.1,40,000/- and a written compromise dated 29.08.2025 has also been entered into between the parties in this regard. Furthermore, the FIR does not disclose the commission of any cognizable offence. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. It has been further submitted that there is no need for custodial interrogation of the petitioner as he is ready to join investigation and has no criminal antecedents. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a third petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the earlier two petitions were dismissed as withdrawn on 01.04.2025 and 01.07.2025 before this Court and neither any prayer was made nor was any liberty granted to the petitioner to file afresh with better particulars. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, opposing the plea in hand on merits, submits that the offence committed by the petitioner is serious in nature. He has

submitted that the allegations in the FIR disclose a serious offence of cheating and conspiracy involving deliberate deception and monetary fraud. The bank account of the petitioner was used for receiving part of the cheated amount which establishes his active participation. According to learned State counsel, the petitioner in collusion with co-accused, induced the complainant(s) to part with substantial amount of money under the pretext of securing government employment. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioner is necessary to trace the money trail and uncover the full extent of the conspiracy. He has further emphasized that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

> *"11. As an epilogue to the above rumination, the following principles emerge:*
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> *I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.*
>
> *II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as*

withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court."

7. The present petition is a third petition for grant of anticipatory bail by the petitioner. A second/third anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial

assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 01.04.2025 and the second petition stands dismissed as withdrawn on 01.07.2025. The instant petition i.e. third petition for grant of anticipatory bail has been filed thereafter on 29.10.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his third petition for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the third anticipatory bail petition. However, since the first and second anticipatory bail petitions were dismissed as withdrawn and there were no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *prima facie* discloses commission of offence under Sections 420 and 120-B of IPC. The complainants have specifically named the petitioner and the record reflects that part of the defrauded amount was also transferred into the account of the petitioner. The allegations reveal a premeditated and organized act of cheating under the guise of providing government jobs — an offence that undermines public confidence and cannot be taken lightly. The offence alleged in the FIR, which pertains to deceitfully obtaining money from innocent individuals under the pretext of securing government jobs cannot be viewed as merely private dispute between the accused and duped victims. By its very nature such an act constitutes offence against the

State as well as public at large. It strikes at the very root of public trust in the integrity of government institutions and recruitment process. *Ergo,* the offence assumes a character that transcends the domain of individual grievance and attains/adorns the complexion of a societal wrong warranting strict judicial scrutiny. The complainants were induced by the petitioner and his associates to part with huge amount of money on the pretext of securing employment in a government department. Such allegations, on the face of it, disclose the commission of cognizable offences of cheating and criminal conspiracy.

9. The plea raised by the petitioner that the compromise dated 29.08.2025 has already been affected between the parties, does not absolve the petitioner of criminal liability for an offence involving deception and public interest. It is settled law that offence(s) of cheating and criminal conspiracy are not compoundable at the anticipatory bail stage unless so permitted by statute. Furthermore, whether the repayments were made, are all questions of fact, which require thorough investigation and evidence and cannot be delved summarily at this stage. It is trite law that repayment of money does not obliterate the offence of cheating once inducement and deception are *prima facie* established in particular, where the offence alleged cannot be said to have an adverse impact upon the duped victims alone. The nature of deception employed not only causes pecuniary loss to the victims but also undermines the sanctity of public administration, thereby eroding confidence in fairness and transparency in public employment/recruitment processes. It is well-settled that anticipatory bail is an extraordinary remedy to be granted sparingly in exceptional cases where

the Court is satisfied that the accused has been falsely implicated or that custodial interrogation is wholly unnecessary. The allegations herein are serious and specific, supported by documentary material, and grant of pre-arrest bail at this stage is likely to hamper investigation.

10. The investigation is at nascent stage and the receipt of cheated amount by the petitioner in his bank account coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioner in the alleged offence and to defraud the complainant(s). The stand of the State before this Court is that the custodial interrogation of the petitioner is indispensable for the purpose of effectively recovering the siphoned amount. The nature and gravity of the offence, involving defrauding the complainant(s), necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioner being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. The petitioner, in a calculated and fraudulent manner, proceeded to defraud the complainant and his family members. The alleged compromise cannot wipe out the criminal liability in offences of cheating which affect public trust and are not merely private in nature. The delay in lodging the FIR is reasonably explained and does not dilute the case of the prosecution.

11. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to

the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p.189, para 6)

> *"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."*

12. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, investigation is still underway and custodial interrogation of the petitioner is necessary to trace the money trail and uncover the full extent of the conspiracy. for an effective investigation

& to unravel the conspiracy coupled with the unexplained failure to refund or account for the earnest money.

13. In view of the prevenient ratiocination, it is directed as under:

(i) The petition in hand is dismissed being devoid of merits.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 30, 2025
Ajay

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