



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

Sr. No.109

**CRM-M-20029-2026
Date of Decision: 10.04.2026**

MANHARBHAI LAXMANDAS PARYANI @ MANU BHAI ANR.**...Petitioners****Versus****STATE OF PUNJAB****....Respondent****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Abhinav Sood, Advocate and
Mr. Sayyam Garg, Advocate
for the petitioners.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 Cr.P.C., 1973) for the grant of anticipatory bail to the petitioners in case FIR No. 0143 dated 18.10.2025, registered under Section 420 of the IPC, 1860 (now Section 318 of the BNS, 2023) at Police Station Balachaur, District SBS Nagar.

2. Briefly, the facts of the case are that the present FIR has been registered on the complaint of Satya Devi, who along with her husband was running a firm namely M/s Satya Agro Traders (Potato Farm) at village Raju Majra, District SBS Nagar. It is alleged that the firm used to purchase potatoes from farmers of Punjab on credit basis and thereafter sell the same in Gujarat and clear the payments to the farmers upon receiving the sale proceeds. It is further alleged that several persons, including the present



petitioners, purchased potatoes from the complainant's firm but failed to make payment of huge outstanding amounts running into several lakhs of rupees. Despite repeated requests and demands, the accused persons not only failed to clear the dues but also allegedly threatened the complainant side with dire consequences. On the basis of the complaint, an inquiry was conducted, during which allegations of cheating and fraud were found to be substantiated, leading to the registration of the present FIR against the accused persons.

3. It is submitted by learned counsel for the petitioners that the present case has been falsely projected as a criminal offence whereas, in fact, it arises out of a purely civil/commercial dispute pertaining to recovery of money. It is contended that the allegations in the FIR, even if taken at their face value, disclose that the complainant and her husband were engaged in business dealings with various persons including the petitioners, wherein payments were initially being made and it is only subsequently that certain payments are alleged to have been withheld. Thus, there was no fraudulent or dishonest intention at the inception of the transaction so as to attract the offence of cheating. Learned counsel has further argued that no transaction whatsoever has taken place between the petitioners and the complainant. It is submitted that even as per the FIR, a sum of Rs.44,65,000/- has been alleged against petitioner No.1, however, as per the inquiry conducted by the investigating agency and the bills placed on record, only an amount of Rs.3,84,500/- is shown to be payable. It is further contended that no amount has been alleged to be due against petitioner No.2 and no supporting bills have been produced qua him. It is further argued that



the dispute, if any, is purely civil in nature relating to recovery of alleged dues and has been given a criminal colour only to exert pressure upon the petitioners. It is submitted that even as per the complainant's own version, payments were initially being made, which negates the essential ingredient of dishonest intention from the very beginning. Learned counsel has also contended that the investigating agency has acted in a mechanical manner by arraying a large number of persons and treating the matter as a recovery proceeding, which amounts to abuse of the process of law. It is further submitted that the petitioners had approached the learned Sessions Court but their bail application was wrongly dismissed without properly appreciating the civil nature of the dispute and the discrepancies in the alleged amounts. It is argued that the petitioners are law-abiding citizens, are ready to join the investigation and cooperate with the investigating agency, and that custodial interrogation is not required in the present case. Therefore, it is prayed that the concession of anticipatory bail be granted to the petitioners.

4. Notice of motion.

5. Mr. H.S. Wadhwa, DAG, Punjab, accepts notice on behalf of the State. He, with the assistance of Mr. Saurav Bhatia, Advocate, who appears for the complainant and has filed his memo of appearance, opposes the prayer for grant of anticipatory bail to the petitioners. It is submitted that serious allegations of cheating and fraud involving substantial public money have been levelled against the petitioners. It is argued that the complainant firm had been engaged in purchase and sale of agricultural produce and the petitioners, along with other co-accused, had induced the complainant to part with goods on credit but thereafter deliberately withheld payments. It is



further contended that as per the inquiry and supplementary report submitted by DSP (PBI), the total amount involved in the present case runs into several lakhs and qua the present petitioners, the amount involved is more than Rs.70 lakhs. It is further argued that the discrepancy sought to be highlighted by the petitioners is illusory inasmuch as the supplementary report clarifies the actual amount involved and there is no ambiguity remaining in this regard.

6. It is further submitted that despite issuance of notice under Section 41-A Cr.P.C./BNSS, the petitioners have failed to join investigation and have not cooperated with the investigating agency. It is also argued that the petitioners cannot claim parity with co-accused, namely Patel, Janak Kumar and Mani Lal, as their roles are distinct and the magnitude of allegations against the present petitioners is significantly higher. Learned State counsel has placed reliance upon the judgment of the Hon'ble Supreme Court of India in *Serious Fraud Investigation Office versus Aditya Sarada*, reported as 2025 AIR (Supreme Court) 2431, to contend that anticipatory bail ought not to be granted in cases involving serious economic offences and large-scale fraud, where custodial interrogation is necessary.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance. A perusal of the record reveals that specific and direct allegations have been levelled against the petitioners in the present case. The petitioners are alleged to have actively participated in the transactions with the complainant and are attributed a significant role in withholding substantial amounts of money. As per the material placed on record, particularly the inquiry and supplementary report of DSP, the amount



involved qua the petitioners is more than Rs.70 lakhs, thereby indicating the serious nature and magnitude of the offence. The contention raised on behalf of the petitioners regarding discrepancy in the amount does not merit acceptance in view of the clarified position in the supplementary report, which adequately explains the figures and removes any ambiguity.

8. It is further evident from the record that despite issuance of notice under Section 41-A Cr.P.C./BNSS, the petitioners have failed to join investigation, which reflects their non-cooperative conduct. The argument of parity with co-accused is also misconceived, as the role attributed to the present petitioners is distinct and involves a higher degree of financial liability and active participation in the alleged fraud. The allegations in the present case pertain to serious economic offences involving cheating and misappropriation of large sums of money, which have far-reaching consequences. The law laid down by the Hon'ble Supreme Court in *Serious Fraud Investigation Office versus Aditya Sarda* (*supra*) clearly holds that anticipatory bail is an extraordinary remedy and should not be granted as a matter of routine, particularly in cases involving serious economic offences and fraud, where thorough investigation and custodial interrogation may be necessary.

9. In view of the aforesaid facts and circumstances, the nature of allegations, the magnitude of the amount involved, the conduct of the petitioners, and the settled legal position, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioners.

10. Accordingly, the present anticipatory bail application is hereby dismissed.



11. However, it is clarified that nothing observed herein shall be construed as an expression on the merits of the case.

12. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

10.04.2026

Anu

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