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

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CRM-M-17647 of 2026
Date of Decision: 06.04.2026

Gaurav Aggarwal and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. P.S. Hundal, Sr. Advocate with
Mr. G.S. Hundal, Advocate and
Mr. Sachmeet Singh Randhawa, Advocate
for the petitioners.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.46 dated 18.02.2026 registered under Sections 216, 229, 242, 318(4), 319, 336(3), 337, 338, 339, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sohana, District SAS Nagar.
2. Brief facts as per the prosecution case are that the petitioners in connivance with other co-accused submitted fake surety bonds in the Court, in order to secure bail. Hence, the present FIR.
3. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. He further submitted that the petitioners had never met the sureties and one Narinder



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Singh had approached the petitioners in District Courts Complex, Mohali and stated that he could arrange genuine sureties with genuine documents and the petitioners agreed to his statement. He further argued that the allegations of hatching a criminal conspiracy in order to cheat the learned trial Court is not made out as the FIR does not disclose any link or conspiracy between the petitioners and the alleged fake sureties. Nothing is to be recovered from the petitioners. Learned counsel for the petitioners further submitted that the petitioners are ready and willing to join the investigation as and when called upon to do so by the investigating agency. Hence, he prays that present petition be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending their arrest, the petitioners had moved an application for grant of anticipatory bail which have been dismissed by the Court of learned Additional Sessions Judge, SAS Nagar, vide order dated 23.03.2026.

5. Notice of motion.

6. Learned State counsel, who has appeared on advance notice of the petition, has vehemently opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioners are serious in nature. He argued that the FIR was registered on complaint of Special Judicial Magistrate, CBI, SAS Nagar, Mohali. He further argued that the petitioners have played fraud upon the Court by producing fake sureties in the Court. He further submitted that the petitioners are not only peripheral participant but principal architect of the conspiracy. He further submitted that the custodial interrogation of the



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petitioners is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused; identification of other co-accused. Hence, he prays for dismissal of the petition.

7. After hearing learned counsel for the parties and considering the material available on record, this court is of the opinion that the allegations against the petitioners are serious in nature and they are specifically named in the FIR. The petitioners are alleged to have prepared fake and forged documents and the same were used in Court in the shape of sureties and as such, actively participated in the crime. The FIR in question was registered on the directions of learned Special Judicial Magistrate, CBI, SAS Nagar, Mohali. Furnishing a fake surety is not a minor lapse. It amounts to a deliberate and calculated fraud played upon the Court and is indicative of intention to misuse the judicial process for securing the liberty of accused by playing fraud upon the Court. It is observed that number of cases in which fake sureties are being furnished in bail matters is on rise and this needs to be curbed. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioners is necessary for effective investigation in the matter.

8. It is befitting to mention here that while considering a plea for



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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. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it



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will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

06.04.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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