



2026:PHHC:022488



CRM-M-1821-2026

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104-1

1. CRM-M-1821-2026

Sahil Garg

....Petitioner

V/s

State of Punjab

....Respondent

2. CRM-M-1845-2026

Sahil Garg

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 12.02.2026

Date of Uploading : 16.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mayank Aggarwal, Advocate for
Mr. Harshit Jangra, Advocate for the petitioner
in CRM-M-1821-2026.
Mr. Amit Choudhary, Advocate for the petitioner
in CRM-M-1845-2026.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. These are two petitions having been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.229 dated 09.12.2025 registered for offences punishable under Sections 318(4), 317(2), 61(2) of BNS at Police Station Dirba, District Sangrur.



CRM-M-1821-2026

2

2. The gravamen of the FIR in question reflects that the criminal law was set into motion on the basis of complaint moved by the complainant Jatinder Kumar alleging that he was stated to be managing the firm M/s Jainam Foods, Ladwanjara Kalan, engaged in the business of basmati paddy. It has been further alleged that on 24.10.2025 at about 12:30 PM, three persons, namely Sahil Garg (petitioner herein), Tejpal Garg and Sandeep Kumar, came to the office of the complainant in a Safari vehicle bearing registration No. HR05BQ-9490. They introduced themselves as traders and exporters of basmati rice operating under the names M/s Ganga Overseas and Ganga Foods at Karnal. They allegedly represented that they were engaged in export of basmati rice and offered to purchase rice at a rate higher than the prevailing market price, i.e., Rs. 6,681/- per quintal as against the market rate of Rs. 6,500/- per quintal. It has been further alleged that they induced the complainant to supply 100 metric tons of basmati rice and 30 metric tons of super mongra at agreed rates with the condition of 2% ease discount and 1% brokerage, with payment to be made within 10–12 days after loading. The samples were allegedly approved telephonically and through WhatsApp communication. Subsequently, between 26.10.2025 and 05.11.2025, several consignments of rice and broken rice were lifted through different trucks against various bills (i.e. Bill Nos. 204, 207, 208, 227, 230, etc.). Furthermore on 01.11.2025, an amount of Rs. 8 lakhs was transferred as security by the accused to further induce the complainant to continue the supply. However, thereafter the accused allegedly failed to make payment of the remaining amount and when the complainant contacted the accused, they threatened the complainant with dire



CRM-M-1821-2026

3

consequences and stopped responding to the calls. The complainant has alleged that the accused persons had dishonest intention from the very inception and have cheated him by inducing supply of rice at higher rates under false representation of being exporters. On these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner is a practicing Advocate and a respectable member of the Bar Association of this Court and has no concern with the day-to-day business affairs of M/s Ganga Overseas and Ganga Foods, which are stated to be proprietary concerns of his father. It has been further argued that the dispute between the parties arises out of a purely commercial transaction of sale and purchase of rice and the same has been given a criminal colour in order to pressurize the petitioner. According to learned counsel, the agreed payment period between the parties was of 37 days and the clause of payment within 10–12 days was only linked with a discount condition. Furthermore, the part payment of Rs. 8 lakhs was already made and further consignments were ordered in the ordinary course of business which shows absence of any dishonest intention from the inception. Learned counsel has emphasized that the bank account of the firm has already been frozen by the police prior to registration of the instant FIR, which prevented the petitioner from making further payments, and therefore no *mens rea* can be attributed to him. It has been further argued that the name of the petitioner has been falsely roped into the instant case without any supporting evidence or proper



investigation. Learned counsel has further contended that the petitioner has been granted the concession of bail in other similar cases and is ready to join the investigation and abide by any condition imposed by this Court. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On the strength of these submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail by arguing that the petitioner has been specifically named in the FIR and induced the complainant to supply large quantities of basmati rice by misrepresenting himself as exporter and by offering a rate higher than the prevailing market rate. Learned State counsel has further iterated that the petitioner actively participated in the negotiations, approval of samples, placement of orders and lifting of consignments through various trucks on different dates. Learned State counsel has further submitted that the amount involved is substantial and the allegations disclose a well-planned *modus operandi* of cheating. Furthermore, multiple FIRs of similar nature have been registered against the petitioner at different police stations within a short span of time, which *prima facie* shows that the petitioner is a habitual offender and has been involved in similar transactions with other traders. Learned State counsel has emphasized that the custodial interrogation of the petitioner is required to unearth the complete chain of events, to trace the money trail, to identify the role of other associates as also to recover the cheated amount. 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 of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(CrI) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. In State v. Anil Sharma [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 informations 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.

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933], it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to



curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra**, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra**, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar**, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu v. P.T. Manokaran** [**D.K. Ganesh Babu v. P.T. Manokaran**, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345], **State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain** [**State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and **Union of India v. Padam Narain Aggarwal** [**Union of India v. Padam Narain Aggarwal**, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain** [**Directorate of Enforcement v. Ashok Kumar Jain**, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another** reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-



“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. Indubitably, serious allegations have been levelled against the petitioner in the FIR in question. As per the allegations, the complainant, who is managing the firm M/s Jainam Foods, was approached on 24.10.2025 by three persons including the present petitioner, who introduced themselves as traders and exporters dealing under the names of M/s Ganga Overseas and Ganga Foods, Karnal. They allegedly offered to purchase basmati rice at a rate higher than the prevailing market price and represented that payment would be made within 10–12 days after loading. It has been further alleged that on the basis of such representation, the complainant supplied the substantial quantities of rice and broken rice through multiple consignments between 26.10.2025 and 05.11.2025 against different bills and trucks. During the course of such transactions, an amount of Rs. 8 lakhs was allegedly transferred as security, which, as per the complainant, was done to gain his confidence and to induce further supply. Thereafter, the accused persons allegedly failed to make the remaining payment and upon being contacted, they extended threats and stop responding to the phone calls. The primary contention of learned counsel for the petitioner is that the dispute is of a civil and commercial in nature arising out of a business transaction. However, at this stage, such a plea cannot be accepted in view of the specific allegations in the FIR that the accused persons induced the complainant to part with goods by offering



higher rates and by representing themselves as exporters with assured payment within a short period. The sequence of events i.e. initial inducement, approval of samples, lifting of repeated consignments, part payment during the course of supply and thereafter non-payment of the remaining amount coupled with alleged threats, *prima facie* attracts the ingredients of cheating and dishonest inducement. The question whether the agreed payment period was 37 days or 10/12 days is a matter of evidence, which cannot be ratiocinated upon at the stage of consideration of plea for anticipatory bail.

8. The plea that the petitioner is an Advocate and not the proprietor of the firm also does not persuade this Court at this stage, as the FIR specifically attributes an active role to the petitioner as he has visited the office of the complainant, negotiating the transaction and also participated in the lifting of the consignments. The exact role of the petitioner and the extent of his involvement are matters which require further investigation. It is apt to mention herein that multiple FIRs of similar nature have already been registered against the petitioner within a short span of time at different police stations. Though the stand of the petitioner is that he has been granted the concession of bail in those cases, however, the multiplicity of similar allegations, *prima facie*, indicate a pattern which cannot be ignored while considering the plea for grant of anticipatory bail. The contention regarding freezing of bank accounts prior to registration of the FIR is also a matter of investigation and does not, by itself, negate the allegations of inducement and dishonest intention from the inception. The stand of the State before this Court is that the custodial interrogation of the



petitioner is indispensable in order to trace the money trail, to ascertain the role of co-accused, to verify the flow of goods and funds and to recover the alleged cheated amount. The nature and gravity of the offence, involving defrauding the complainant, 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. It is well settled that in cases involving economic offences and cheating of substantial amount, the Court must exercise caution while granting anticipatory bail, as such offences have a serious impact on public confidence.

8.1. In view of the gravity of the allegations, the specific role attributed to the petitioner in the FIR, the requirement of custodial interrogation, and the multiplicity of similar cases against him as also the factual matrix of the case in hand essentially lead to the unequivocal conclusion that the petitioner does not deserve the concession of anticipatory bail. It is pertinent to mention here that the relief of anticipatory bail is aimed at ensuring personal liberty of an individual. However, while deciding a plea for grant of anticipatory bail, the Court has to strike a balance between safeguarding individual rights and protecting societal interest. The Court must also consider the gravity of the offence; the role attributed to the petitioner; the impact on the Society and the need for fair and free investigation. The relief must not unduly hamper the rights of the investigating agency to conduct free, fair and impartial investigation. 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 be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In view of the nature as also seriousness of the allegations, it may not be possible for the investigating agency to unravel the entire truth if the petitioner is armed with a protective order. Moreover, it is the specific stand of the State that the custodial interrogation is necessary to take the investigation to its logical end and to conclude fair and meaningful investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Hon'ble 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 informations 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. There is another aspect of the matter which craves attention of this Court.

The petitioner has sought the discretionary relief of anticipatory bail by way of two separate petitions filed through distinct counsel, predicated upon the same FIR. This duplicity is further compounded by the fact that both the petitions are supported by solemn affidavits, wherein the petitioner, claiming himself to be an Advocate, categorically deposed that



CRM-M-1821-2026

11

no similar proceedings were filed/pending. Such contumacious conduct is not merely a procedural lapse but a blatant attempt at '*forum shopping*' and an affront to the sanctity of judicial proceedings. This attempt at clandestinely '*testing the waters*' of judicial discretion by moving multiple petitions, espousing exactly same cause of action, tantamount to playing fraud with the justice dispensation system. The filing of a false affidavit is not a mere technical veniality, but a contumacious conduct that strikes at the very root of judicial integrity. For a litigant, like petitioner, who is well versed in the nuances of legal procedure, the plea of ignorance is an impossible luxury and his professional status precludes any benefit of doubt. The necessity of an accompanying affidavit is the bedrock upon which the court rests its presumption of truth. Such a calculated maneuver to mislead this Court not only violates the sanctity of an oath but effectively handicaps the administration of justice, threatening to turn the wheels of law into a tool for systematic manipulation.

9.1. It is a fundamental principle of jurisprudence that a person who seeks equity must do equity and must approach the court with clean hands. The remedy of anticipatory bail by its very nature, a discretionary and equitable relief intended to protect the liberty of innocent, not to provide a sanctuary for those who practice *supressio very*. When the strea of justice is polluted at its very source by such deceitful artifice, the doors of equity must remain closed. A profitable reference in this regard can be made to the *dicta* passed by the Hon'ble Supreme Court in ***Dalip Singh Vs. State of Uttar Pradesh and Others; 2010 (2) SCC 114***, relevant whereof reads thus:

"For many centuries Indian society cherished two basic values of life i.e. 'satya' (truth) and 'ahimsa' (non-violence). Mahavir, Gautam



Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the Pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

Indubitably, the plea for grant of anticipatory bail by the petitioner, ought to be denied, on this score alone. Pertinently, vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the process of law and Courts, ought to be detested. The sanctity of the judicial process will be seriously eroded if such attempt(s) is not responded with firmness. A litigant who misuses the process of law or take liberties with the truth should be left in no doubt about the consequences to follow. Others should be discouraged not to venture along the same path in the hope or on a misplaced expectation of judicial leniency or indulgence. Exemplary costs, in such a situation are inevitable and necessary, so as to ensure that in litigation, as in the law which is rather practiced in our Country, there is no premium on the truth. Such misleading petition(s) which are deficient in any reasonability, have to be construed as trifling with the Courts and the process of justice.

12. In view of the above, it is ordained thus:

- (i) The instant petition deserves dismissal on merits as also on account of the attempt on part of the petitioner to mislead this Court by suppressing a material fact *apropos*



pendency of similar petition espousing the same cause of action.

- (ii) The petitioner is saddled with costs of Rs.50,000/-, to be deposited by him with the Punjab State Legal Services Authority, Mohali within two weeks from today. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Sangrur is directed to intimate the Deputy Commissioner, Sangrur who shall have such costs recovered from the petitioner including but not limited to as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Sangrur shall have the same submitted to CJM, Sangrur, for further remittance thereof to the quarter(s) concerned. A compliance report be sent by CJM, Sangrur as also Deputy Commissioner, Sangrur to this Court accordingly.
- (iii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iv) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

February 12, 2026

Ajay/mahavir

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