

**IN THE COURT OF MONICA SHARMA,
ADDITIONAL SESSIONS JUDGE, AMRITSAR.
(UID NO.:PB00239)**

CNR No.
PBAS010239532025



Case No. BA/9953/2025

Presented on : 18-11-2025
Registered on : 19-11-2025
Decided on : 11-12-2025
 0 years, 0 months,
Duration : 23 days

State of Punjab

Versus

Rajbeer Singh Mahal s/o Gulzar Singh, R/o 803-T1, Motiaz Royal Citi
Zirakpur, SAS Nagar, Mohali, Punjab 140603

.....Applicant/accused.

2nd Bail Application Under Section 482 BNS,2023

Present: Sh. Gurangel Singh Maan, Advocate, counsel for the
applicant/accused.
Sh. Sukhwant Singh, Additional PP for the State.

ORDER:

1. The present order of mine shall dispose of an application for bail under Section 482 BNS moved on behalf of applicant/accused Rajbeer Singh Mahal, in FIR No.214 dated 03.11.2017 registered under Sections-420/120-B IPC at Police Station Beas.
2. Notice of the bail application was served upon the State through learned Additional PP attached to this Court along with copy of

bail application, who received the same, appeared and contested the bail application on merits. Record was also summoned which has been received and perused. Today ASI Shamsheer Singh appeared and submitted a statement that the present case has been registered against six accused on the statement of Shamsheer Singh on the allegations that present applicant along with co-accused running M/S Winning Edge Corporation as well as Lucky New Hope and invited more than 1900 persons to invest their money in monthly lucky draw and scheme and thereafter, by closing the business and they have absconding and cheated the persons and received total amount of Rs.5.00 Crores 72 lacs from the investors. Challan has already been presented. No other case has been registered against the present applicant/accused.

3. The learned counsel for the applicant has submitted that the applicant/accused is falsely implicated in the present case. The allegations in the FIR are fabricated. It is further submitted that the applicant had earlier filed an anticipatory bail application, which was dismissed by the learned Sessions Court on 19.02.2011. It is further submitted that applicant is now filing this second anticipatory bail application due to significant changed circumstances that warrant reconsideration of the bail plea. It is further submitted that applicant has now been summoned under section 319 Cr.P.C, which allows the Court to add an accused based on prima facie evidence. However, summoning under section 319 Cr.P.C does not automatically mean that custodial interrogation is required. It is further submitted that applicant is ready to

appear before the trial Court. Accordingly, ld. counsel for the applicant-accused has prayed that the bail application of the applicant-accused be allowed.

4. In oppugnation, learned Addl.P.P for the State has strongly opposed the bail application while submitting that the applicant/accused along with co-accused running M/S Winning Edge Corporation as well as Lucky New Hope and invited more than 1900 persons to invest their money in monthly lucky draw and scheme and thereafter, by closing the business and they have absconding and cheated the persons and received total amount of Rs.5.00 Crores and 72 Lacs from the investors. The allegations against the applicant/accused are serious in nature, therefore, he is not entitled to be released on bail and learned Addl. P.P. implored for dismissal of the bail application.

5. I have heard the rival contentions and have also gone through the relevant record with the able assistance of the learned counsel for the applicant and [learned Addl. PP for the State](#)

6. It is apt to mention that the present bail application is a second anticipatory bail application of the applicant/accused. Infact the applicant/accused had earlier filed an antincipatory bail before the Ld. Sessions Court which stood dismissed on 19.02.2021 and thereafter, he preferred anticipatory bail before the Hon'ble High Court which stood dismissed vide order dated 13.05.2021. Now the present anticipatory bail application has been moved on the ground that an official inquiry was conducted wherein the applicant was declared as innocent.

However, the applicant/accused has been summoned U/S 319 Cr.P.C. Thus due to said change circumstance present bail application has been filed.

7. In the instance case, the allegations against the applicant/accused are that applicant/accused in conspiracy with other accused persons was running a Lucky Draw scheme in the name and style of New Hope and has defrauded 1900 persons of general public. The modus operandi of the applicant/accused in committing the fraud, by using the name of other companies/concerns and by giving fake promise of providing LEDs and motorcycles of winners of the Lucky Draw and has collected huge amount from the general public and defrauded them. The Hon'ble High Court has observed in the order dated 13.05.2021 that there are direct allegations against the applicant/accused and his case is distinguishable from other accused, who granted concession of anticipatory bail. It is further observed that applicant/accused is evading his arrest from the last about 03 years and on these grounds anticipatory bail application stood dismissed. Although the applicant is stated to be declared innocent in the inquiry. However vide order dated 24.09.2024 Ld. trial Court has observed that there are specific allegations against the applicant/accused that he along with non applicants cheated the complainant and summoned the applicant/accused U/S 319 Cr.P.C. The record reveals that complainant when appeared before the Court for his evidence has attributed specific role to the applicant/accused.

8. Hence, keeping in view the allegations, the applicant/accused is not found entitled to the discretionary equitable relief of pre-arrest bail, which is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation.

*The Hon'ble Apex Court, in case "**State represented by the CBI Vs. Anil Sharma**", 1997(4) RCR (Criminal) 268, has observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.*

9. Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, 2023, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In **State of Andhra Pradesh vs. Vimal Krishna Kundu, AIR 1997 SC 3589**, **Apex Court** has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in **Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598**, it has been observed as under:

"3. Grant of bail though being a discretionary order — but,

however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

10. Therefore, the custodial interrogation of applicant/accused is necessary for complete and effective investigation. In case, custodial interrogation of applicant/accused is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for. Hence, this Court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the applicant/accused. Resultantly, the bail application under Section 482 of BNSS filed by applicant/accused stands dismissed. Lower Court record be returned

back and the bail application be consigned to the Record Room.

Pronounced.
Dated:11.12.2025.

Ramesh Kumar, Stenographer Grade II

(Monica Sharma)
Addl.Sessions Judge,
Amritsar UID No.PB00239