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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22781-2025
Date of Decision: 02.07.2025

Pawan Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shailendra Sharma, Advocate, for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	24.01.2025	City Muktsar	420, 406, 34 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

"2. Brief Facts leading to the registration of FIR against petitioner:

A) That the instant FIR has been registered at the instance of complainant- Harminder Singh s/o Bagicha Singhh r/o Jalalabad Road, Sri Muktsar Sahib. The complainant approached the higher authorities with complaint no.359-PC-2A/24 dated 10-12-2024 containing allegations that complainant is a medical practitioner and present petitioner- Pawan Kumar Sharmawas earlier known to him and he got the complainant introduced with co-accused Jagmohan Singh. The appearance of co-accused Jagmohan Singh Brar s/o Udham Singh r/o Chandigarh was influencing. He seemed to be reputed person. Son of complainant namely Gurpreet Singh was preparing for PCS examination. Pawan Kumar- Petitioner used to say about said Jagmohan Singh Brar holding a great political clout and can get his son selected as a Deputy Supdt. of Police.



Jagmohan Singh himself told the complainant that he had connections with Ministers and Rs. One crore is required to spend for the selection of his son as Deputy Supdt of Police. Complainant put faith upon Jagmohan Singh and Petitioner- Pawan Kumar and became ready to pay such a huge amount for the better future of his son. Therefore complainant took loan of Rs. 45-00 lakh from Axis Bank, Sri Muktsar Sahib. On 02-08-2020 co-accused Jagmohan Singh along with his wife and son came to the complainant at his house, where they again repeated that they could secure selection of complainant's son as D.S.P. The complainant had paid Rs. 45-00 lakh in cash to the co-accused Jagmohan Singh in the presence of Ravinder Singh s/o Gurtej singh r/o Sri Muktsar Sahib. Jagmohan singh again assured complainant about the selection of his son and asked to arrange remaining amount of Rs. 55-00 lakh. On 11-10-2020 the co-accused Jagmohan Singh along with his son Haraziz Singh and wife Paramjit Kaur visited the complainant and received Rs. 20-00 lakh in the presence of Sukhdev Singh s/o Major Singh r/o Village Nurpur Kirpal ke and further on 29-11-2020, the said Jagmohan Singh along with his wife and son visited the complainant and received the cash amount of Rs.35-00 lakh from complainant in the presence of Bhupinder Singh s/o Hardial Singh r/o Charewan for the purpose of selection of his son as Deputy Supdt of Police as promised earlier.

B) That the complainant further made allegations that the notification for the PCS examination was issued on 12-12-2020 and Preliminary examination was held on 13-02-2021. The result of pre-exam was out on 18-06-2021 but the name of the son of the complainant did not figure in the list of selected candidates. The complainant approached the co-accused Jagmohan Singh and asked about the result not came as per his expectations, then said Jagmohan Singh tried to make the complainant believe that he would get his son selected as Deputy Supdt of Police direct with the approval of Punjab Cabinet. However despite visiting the Jagmohan Singh on 01-10-2022 and 16-11-2022, he could not get his son select as D.S.P in Punjab Police and even admitted that he had received the amount of Rs. One Crore from complainant and has failed to get his promise, so he would return the amount after selling his land. No such amount was returned by co-accused Jagmohan Singh and proclaimed that he in connivance with present petitioner-Pawan Kumar were intended to dupe complainant and have succeeded in their nefarious design. The accused had threaten the complainant to get him eliminated from



Gangsters in their connections. Therefore, the complainant had filed a previous complaint against petitioner and others on 21-03-2024 through D.I.G, Faridkot but co-accused Jagmohan singh in order to delay the complainant had entered into a compromise dated 18-05-2024 and in the presence of panchayat, he agreed to return the amount of complainant within 90 days. Therefore the complaint was withdrawn by complainant Harminder Singh. Subsequently the Jagmohan Singh (co-accused) had issued three post dated cheques dated 01-11-2024 and 01-02-2025 worth of Rs. 20-00 lakh each and third cheque dated 01-08-2025 amounting to Rs. 60-00 lakh were issued in favour of complainant and assured that the cheques would be honoured on their presentation. But the dishonest intentions of the accused again surfaced with the presentation of his cheque dated 01-11-2024 and same returned unpaid due to insufficient funds. Therefore the complainant again approached the office of Inspector General of Police, Faridkot with the present complaint.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, the State shall file an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
5. The State’s counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“3. Evidence Against Petitioner

A) That the instant complaint has been enquired by Supdt of Police (D) Sri Muktsar Sahib in a thorough and detailed manner. In order to establish his allegations, the complainant had produced following witnesses:

- i) Harminder Singh (himself)*
- ii) Gurpreet Singh s/o Harminder Singh*
- iii) Sukhdev singh s/o Major Singh r/o Nurpur Kirpala*
- iv) Ravinder Singh s/o Gurtej Singh r/o Muktsar*
- v) Bhupinder Singh s/o Hardial Singh r/o Chadewan*
- vi) Kuldeep Singh s/o Amar Singh r/o Gujjaran*

B) The statements of all the concerned witness were reduced into writing and relevant record also brought on record. The record of PCS examination appeared by complainant's son also produced by complainant. The copy of settlement/compromise dated 18-05-2024 reveals that in the presence of aforesaid witness, the co-accused Jagmohan Singh had admitted the amount of Rs. 1-00 crore received from complainant for the purpose of securing his son a Job in Public Sector as a



Gazetted officer but when the petitioner had failed to return this amount to complainant, then co-accused Jagmohan Singh had issued three post dated cheques in favour of complainant with filling amount which in aggregate was equal to Rs. one crore. On presentation of the first cheque dated 01-11-2024 the same was dishonored. Which has sufficiently proved the dishonest intentions of the accused including petitioner. The complainant was duped by the accused with a huge amount of Rs. 1-00 crore and there is enough documentary evidence on record. None of the accused had come present before the inquiry officer to put his version about any other reason of received this amount of Rs. One crore from complainant. The complainant and his witnesses had proved that the amount was received by Jagmohan Singh-co-accused from complainant with false promise to get his son selected as a D.S.P in Punjab Police. The payments were made by complainant in cash in the presence of witness namely i) Ravinder Singh s/o Gurtej Singh ii) Sukhdev Singh s/o Major Singh iii) Bhupinder Singh s/o Hardial Singh. The complainant was induced by petitioner to pay this amount to Jagmohan Singh and persuaded the complainant that Jagmohan Singh has capacity to get his son appointed as D.S.P. The intentions of the accused were dishonest since of the inception of the dealing with the complainant. The active connivance of present petitioner-Pawan Kumar aforesaid in playing fraud with complainant, also established and the ingredients of offence u/s 420, 406, 34 IPC prima facie attracted to the facts of the case.

C) Thus the incumbent inquiry officer in his fact finding report dated 21-01-2025 recommended to launch investigation against i) Jagmohan Singh Brar and ii) Pawan Kumar Sharma-petitioner aforesaid. The Senior Supdt of Police, Sri Muktsar Sahib approved the report, consequently the instant FIR No. 10 (supra) has been registered against i) Jagmohan Singh and ii) Pawan Kumar Sharma (Petitioner).

4. That with the commencement of investigation, petitioner was served with statutory notice u/s 35(3) BNSS, requiring him to join investigation, but the petitioner did not comply with any of the statutory requisition. However in compliance of order dated 30-04-2025 the petitioner has been joined in investigation vide DDR No.42 dated 07-05-2025 but no defrauded amount has recovered from the custody of petitioner.

5. Role of the Petitioner:

That the present petitioner got the complainant introduced complainant with Jagmohan Singh. The complainant was induced by petitioner to pay this amount to Jagmohan Singh and persuaded the Complainant that Jagmohan Singh has capacity to get his son appointed as D.S.P. The intentions of the accused were dishonest since of the inception of the dealing with the complainant. The active connivance of present petitioner-Pawan Kumar aforesaid in playing fraud with complainant, also established. Jagmohan Singh is a prime accused in this case whereas the petitioner has played as an instrumental in the commission of fraud with the complainant."

REASONING:

7. The main accused had compromised the matter with the complainant and a cheque was issued to complainant, which was later on dishonoured and in relation to that cheque which was given to return the money, a complaint was filed. The role of the petitioner is entirely on lower footing.



8. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

9. The petitioner is not the main accused and nothing was paid to him and he was only introducer, as such, he is entitled to bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event



of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.