

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64423-2024
Reserved on: 03.03.2025
Pronounced on: 11.03.2025

Baljeet Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Batth, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Ms. Jaspreet Kaur, Advocate,
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
118	05.11.2024	Ghanaur, Distt. Patiala	406, 420 and 506 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 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the brief facts of the present case/FIR No. 118 (supra) are that a representation dated 20.03.2024 was moved by Gurpreet Singh (complainant/respondent no. 2) before Senior Superintendent of Police, Patiala, against Baljeet Singh (present petitioner), Gurmeet Singh and Chamkaur Singh alias Channi with the allegations that he met with Baljeet Singh (petitioner) at the shop of Harbhajan Singh, wherein, the petitioner told him to invest money in the scheme. The respondent no.2 fell in the words of petitioner and gave him a sum of Rs.4,56,000/-. The petitioner used to give some in installments by saying that it was the interest. In this

way, petitioner gave Rs.99,000/- alongwith one cheque dated 12.04.2023 amounting to Rs.03,57,000/-to the respondent no.2. The petitioner took respondent no.2 into his confidence in this way. Thereafter, the respondent no.2 transferred a sum of Rs.05,38,500/- in the bank accounts of aforementioned Baljeet Singh (petitioner), Gurmeet Singh and Chamkaur Singh alias Channi. When the respondent no.2 gave the cheque dated 12.04.2023 to his banker for encashment, the same got dishonored, due to which, the respondent no.2 got suspicious. When the respondent no.2 did not get his money back, he alongwith Jagdish Chand went to petitioner and demanded his money back. At first, the petitioner started lingering on the matter but then the petitioner said to him that they were 'Chamaar' by caste and why does their caste need money. Subsequently, the respondent no.2 came into light that the aforementioned persons were fraudsters and they were having fun and buying properties with the money of respondent no.2.

4. That the enquiry of the said representation was conducted by Deputy Superintendent of Police, Circle Ghanaur, District Patiala, who after conducting thorough and detailed enquiry, found that Gurpreet Singh (respondent no. 2) met with Baljeet Singh (petitioner), who told the respondent no.2 that he was running a company under the name and style of Fateh Industry. The head office of the company was at Nabha and Sangrur and the company was involved in the business of finance, which gives 28% interest on the amount. Subsequently, the respondent no.2 fell into the trap of petitioner and transferred Rs.4300/- on 09.07.2022, Rs.35000/- on 26.07.2022, Rs.94,500/- on 29.07.2022, Rs.31,500/- on 13.08.2022 in the google pay number 94657-xxxxx of Baljeet Singh (petitioner). Thereafter, on the asking of petitioner, the respondent no.2 transferred Rs.31,500/- on 25.07.2022, Rs.31,500/- on 27.07.2022, Rs.94,500/- on 01.08.2022 in the google pay number 70091xxxx of Gurmeet Singh, owner of the company. The respondent no.2 also transferred Rs.1,50,000/- in the bank account of Gurmeet Singh on 18.08.2022. Thereafter, Gurmeet Singh returned back total sum of Rs.99,000/- cash in installments, which was the interest of money given by respondent No.2. Then the respondent No.2 did not receive any money for long time, due to which, he again met with Baljeet Singh (petitioner), who introduced the respondent no.2 with Chamkaur Singh alias Channi, who was manager of the company earlier. When the respondent no. 2 talked about his money with the petitioner, he told him that his money was gone as their company

had gone in loss. Petitioner also told the respondent no.2 that Chamkaur Singh alias Channi was doing trading in the company and if respondent no. 2 gives him Rs.1 Lakh, he would return the same alongwith previous amount. The respondent no.2 again fell in their trap and after mortgaging gold of his wife at Muthoot Finance, Rajpura, he obtained Rs.70,000/- on 28.12.2022 and on the same day, he transferred the said amount in the google pay number 98142-xxxx of Chamkaur Singh alias Channi. Apart from this, the respondent no.2 had also given Rs. 4 Lakh cash to Baljeet Singh (petitioner) and Gurmeet Singh by going at company's office at Sangrur. Lateron, they told the respondent no.2 that his payment was gone and he could do whatever he wanted and after that, they stopped answering phone calls of respondent no.2. In this way, Baljeet Singh (petitioner) in connivance with Gurmeet Singh and Chamkaur Singh alias Channi duped the respondent no.2 to the tune of Rs.09,38,000/- and the enquiry officer recommended to register case/FIR against them for offence under Section 406, 420 and 506 of IPC.

That the report of enquiry officer was approved by Senior Superintendent of Police, Patiala and hence, the present case/FIR was registered against Baljeet Singh (petitioner), Gurmeet Singh and Chamkaur Singh alias Channi for the offence under Section 406, 420 and 506 of IPC.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that pursuant to his undertaking petitioner already declared his net worth.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“6. **ROLE OF PETITIONER:-** That it was the petitioner only, who met with the respondent no.2 and told him about the company and that the company give 28% interest on the money invested in it. After falling in the words of petitioner, the respondent no.2 transferred Rs.4300/- on 09.07.2022, Rs.35000/- on 26.07.2022, Rs.94,500/- on 29.07.2022, Rs.31,500/- on 13.08.2022 in the google pay number 94657-xxxxx of Baljeet Singh (petitioner). The petitioner received a sum of Rs.1,65,300/- in his bank account from the respondent no.2. That the petitioner in connivance with*

co-accused Gurmeet Singh and Chamkaur Singh alias Channi duped the respondent no.2 to the tune of Rs.09,38,000/- on the pretext of giving his 28% interest on it. But lateron, they only gave Rs.99000/- as interest and thereafter, refused to return the money by saying that their company had gone in loss, due to which, the money invested by respondent no.2 has been lost.

7. EVIDENCE AGAINST PETITIONER:- *That there are direct and specific allegations levelled by respondent no.2 against the petitioner. Moreover, a total sum of Rs.1,65,300/- has been received by petitioner in his bank account from respondent no.2, which clearly proves the active involvement of petitioner in the present case/FIR.”*

REASONING:

7. 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.
8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner already declared all his assets enable respondent to recover money through civil suit 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.
9. 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.
10. 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)	

11. This order is subject to the petitioner’s complying with the following terms.

12. 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.

13. 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.

14. 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.

15. 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.

16. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

17. Any observation made hereinabove is neither an expression of opinion on the

case's merits nor shall the trial Court advert to these comments.

18. 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.

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

(ANOOP CHITKARA)
JUDGE

11.03.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.