

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51577-2024  
Reserved on: 11.11.2024  
Pronounced on: 26.11.2024

Amandeep Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with  
Mr. Paras Talwar, Advocate  
Mr. Gurjas Gill, Advocate and  
Mr. Aman Pannu, Advocate  
for the petitioner.  
  
Mr. Akshay Kumar, A.A.G., Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station               | Sections     |
|---------|------------|------------------------------|--------------|
| 60      | 24.05.2024 | Vairoke, District<br>Fazilka | 420, 406 IPC |

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 4 of the status report filed by the State, the accused has the following criminal antecedents:

| Sr. No | FIR No. | Dated      | Offences                                                                            | Police Station |
|--------|---------|------------|-------------------------------------------------------------------------------------|----------------|
| 1      | 24      | 10.03.2014 | 420/353/186/177 IPC and 66/67 of IT Act                                             | City-2, Abohar |
| 2      | 40      | 17.04.2014 | 420/506/120-B IPC (Section 172 IPC added later on)                                  | City-2, Abohar |
| 3      | 122     | 31.05.2014 | 420/406/506 IPC                                                                     | Sadar, Fazilka |
| 4      | 82      | 30.07.2014 | 420/34 IPC                                                                          | City Fazilka   |
| 5      | 85      | 03.08.2014 | 420/406/120-B IPC                                                                   | City-2 Abohar  |
| 6      | 82      | 05.08.2014 | 420/506 IPC                                                                         | Arniwala       |
| 7      | 231     | 01.11.2014 | 326/323/34 IPC                                                                      | Sadar, Fazilka |
| 8      | 82      | 16.07.2015 | 420/467/468/471/506/120-B IPC                                                       | City Fazilka   |
| 9      | 311     | 06.11.2015 | 420/465/467/468/471/120-B IPC                                                       | City-1, Abohar |
| 10     | 04      | 07.01.2017 | 420/465/468/471/120-B IPC                                                           | City Fazilka   |
| 11     | 98      | 03.07.2017 | 174-A IPC                                                                           | Sadar Fazilka  |
| 12     | 56      | 29.04.2019 | 420/120-B IPC                                                                       | Arniwala       |
| 13     | 118     | 28.05.2020 | 384/506/509/511 IPC and 66 of I.T. Act                                              | City Fazilka   |
| 14     | 358     | 11.10.2020 | 307/365/341/323/120-B/148/149 IPC (Sections 25/27/54/59 of Arms Act added later on) | Sadar, Fazilka |

|    |     |            |                                                                 |                        |
|----|-----|------------|-----------------------------------------------------------------|------------------------|
| 15 | 186 | 25.11.2020 | 420/120-B IPC                                                   | City Jalalabad         |
| 16 | 12  | 29.01.2021 | 452/365/511/506/120-B IPC                                       | City Fazilka           |
| 17 | 232 | 26.08.2021 | 384/389/506/120-B IPC                                           | Sadar, Fazilka         |
| 18 | 106 | 01.06.2022 | 307/323/427/148/149/120-B IPC and Sections 25/54/59 of Arms Act | Sadar Fazilka          |
| 19 | 137 | 11.10.2016 | 406/420/392 IPC                                                 | BSP, Fatehgarh Sahib   |
| 20 | 19  | 26.04.2016 | 406/420 IPC                                                     | Mallan Wala, Ferozepur |
| 21 | 17  | 22.04.2016 | 406/420 IPC                                                     | Mallan Wala, Ferozepur |
| 22 | 68  | 22.06.2016 | 420 IPC                                                         | Mallan Wala, Ferozepur |
| 23 | 79  | 18.11.2016 | 420 IPC                                                         | Mallan Wala, Ferozepur |
| 24 | 131 | 22.09.2016 | 468/469/471 IPC                                                 | Guruharshai, Ferozepur |
| 25 | 69  | 05.05.2014 | 420/465/467/468/471/120 IPC                                     | Cantt. Ferozepur       |
| 26 | 137 | 21.05.2014 | 420/120-B IPC                                                   | City Ferozepur         |
| 27 | 08  | 29.01.2016 | 420 IPC                                                         | Ghal Khurad Ferozepur  |
| 28 | 94  | 17.07.2013 | 420/120-B IPC                                                   | Bagha Purana, Moga     |
| 29 | 25  | 25.03.2016 | 420/120-B IPC                                                   | Smalsar Moga           |
| 30 | 01  | 02.01.2013 | 406/420 IPC                                                     | Ajitwal, Moga          |
| 31 | 43  | 15.07.2010 | 420 IPC                                                         | Mtor, SAS Nagar Mohali |
| 32 | 251 | 19.12.2020 | 174-A IPC                                                       | Sadar Patiala          |
| 33 | 35  | 17.03.2016 | 420/120-B IPC                                                   | Sadar Patiala          |
| 34 | 117 | 28.06.2023 | 420/465/467/468/471/120-B IPC                                   | City Jalalabad         |
| 35 | 11  | 22.01.2024 | 174-A IPC                                                       | City Fazilka           |
| 36 | 20  | 21.02.2024 | 174-A IPC                                                       | Guruharsahai           |
| 37 | 17  | 24.02.2024 | 174-A IPC                                                       | Mallan Wala, Ferozepur |
| 38 | 18  | 24.02.2024 | 174-A IPC                                                       | Mallan Wala, Ferozepur |
| 39 | 54  | 28.03.2024 | 420/465/467/468/471 IPC                                         | Sadar Fazilka          |
| 40 | 55  | 15.05.2024 | 420/506 IPC                                                     | Vairo Ka               |
| 41 | 56  | 15.05.2024 | 420/406 IPC                                                     | Vairo Ka               |
| 42 | 80  | 06.05.2024 | 420/406 IPC                                                     | Sadar, Fazilka         |
| 43 | 61  | 24.05.2024 | 420/506 IPC                                                     | Vairo Ka               |
| 44 | 50  | 26.05.2024 | 406/420/506 IPC                                                 | Arniwala               |
| 45 | 40  | 27.09.2024 | 174-A IPC                                                       | City Jalalabad         |
| 46 | 73  | 25.05.2024 | 406/420 IPC                                                     | City Fazilka           |

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

*“3(a). That the present FIR was registered on the application No.408-SPL-PC dated 30.03.2024 having been moved by complainant Jarnail Singh son of Sohan Singh against present petitioner and Satbir son of Lekh Raj resident of village Rangila Tehsil and District Fazilka wherein it was alleged by the complainant that the above noted accused have committed fraud for an amount of Rs.85,00,000/- by way of cheating him on the pretext of securing job for his son- in-law Jagdev Singh as Sub Inspector in Punjab Police. The complainant paid the said*

*amount to the said accused at the house of said accused Satbir at village Rangila. After receipt of the said amount, the said accused neither got employed his son-in-law in Punjab Police as Sub Inspector nor returned his money rather on his demand to return the money, the accused threatened.”*

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 their 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:

**“ROLE OF PETITIONER:**

*5. That the role of petitioner in commission of offence is that the petitioner and other co-accused took Rs.85,00,000/- from the complainant by way of cheating him on the pretext of securing job for his son-in-law Jagdev Singh as Sub Inspector in Punjab Police. The petitioner and other. accused neither got employed son-in-law of complainant in Punjab Police nor returned his money rather, threatened him on his demand to return the money. Moreover, the allegations of the complainant have been corroborated by the confession statement of present petitioner and co-accused Buta Singh aforesaid. Therefore, the petitioner cannot shirk his criminal liability.*

**EVIDENCE AGAINST PETITIONER:**

*6. That apart from oral evidence of complainant, allegations of the complainant have been corroborated by the disclosure statement dated 07.07.2024 of petitioner Amandeep Kumar alias Amandeep Kamboj wherein he categorically confessed that all the accused had cheated the complainant by receiving Rs.85 Lakhs at the residence of co-accused Satbir for recruitment of son-in-law of complainant in Punjab Police. Petitioner further disclosed that all the three accused (including petitioner) had shared the said amount among each other. Later on, disclosure statement was also suffered by co-accused Buta Singh on the same sequence. Therefore, such sufficient to incriminating evidence is substantiate the case of prosecution. Moreover, a number of FIRS have already been registered against the petitioner in Fazilka District and other district with allegations of cheating and defrauding gullible people. The petitioner is habitual offender and is a man of criminal disposition.”*

7. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

8. There is another reason why the petitioner is not entitled to bail: the petitioner's massive criminal antecedents. Considering the bail petition of an accused with a criminal

history throws an onerous responsibility upon the courts to act judiciously and reasonably because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecution resulting in acquittal or discharge, or when Courts quashed the FIR, the prosecution stands withdrawn, or the prosecution filed a closure report, cannot be included. Although crime is to be despised and not criminal, for a recidivist, the contours of a playing field are marshy, and the graver the criminal history, the slushier the puddles. Thus, if the petitioner is granted bail, there is all likelihood that the petitioner can indulge in thuggee and cheating if he is released on bail.

9. The petitioner's custody of around four months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is .

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

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)  
JUDGE

26.11.2024  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.