

2024:PHHC:138920



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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH  
\*\*\*\*  
CRM-M-52819-2024  
DECIDED ON: 23.10.2024

TINKU

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. DPS Bajwa, Advocate,  
for the petitioner.

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SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023 has been invoked seeking anticipatory bail to the petitioner in case FIR No. 177, dated 10.08.2024, under Sections 406, 420 IPC registered at Police Station Patran, District Patiala.

2. Facts

The facts as narrated in the FIR reads as under:-

At that time one application no. 3278 dated 07.08.2024 through Parveen kaur wife of Ram Singh resident of Chunagra Road, ward no 13, Sagar Basti, Patran, District Patiala Via Shri SSP Sahab regarding to registered FIR against Tinku son of Rajvir Kumar resident of Sunharar Basti, Kahangarh Road, Patrana, District Patiala, Mandeep Singh son of Davinder Singh resident of near Bus Stand Sukhpura chowk, opposite the

HP Petrol Pump street (Haryana), offence under section 406, 420 of IPC received through registered post. The description is as under. To respected SSP Sahab Patiala, Subject: complainant regarding taking legal action against Tinku son of Rajvir Kumar resident of Sunharar Basti, Kahangarh Road, Patrana, District Patiala, (Mobile no is 80534-03405) and his friend Mandeep Singh (80900-00668) son of Davinder Singh resident of near bus stand Sukhpura chowk, opposite the HP Petrol Pump street (Haryana) regarding cheating the application to pay Rs. 8 Lack to them for getting the job and threatening to kill him. Respected Sir, I Parveen kaur wife of Ram Singh resident of Chunagra Road, ward no 13, Sagar Basti, Patran, District Patiala and I am requesting you by submitting an application to you that the said Tinku, son of Rajveer Kumar, resident of Sunar Basti, Kangarh 17 Road, Patra, District Patiala, and Mandeep Singh gave an illusion to get my son Sanjeev Singh a job and they told me to give you 8 lakhs in exchange for the job will have to pay Rs. 8,00,000/- and will get your son a permanent job in the Government Forest Department, after which I came to their word and believed them and they gave me the said amount and they told my son Sanjeev Singh that we will get you to the goddess of the paper ourselves. I also talk to Tinku father-in-law namely Om Prakash, a resident of Patra, on Tinku's request. Om Prakash also made me believe that Tinku is my son-in-law. You will definitely get the job done, which made me believe even more, so I asked them that how will I manage such a large amount. Taking and whatever was in my service account. Tinku gave Rs. 3, 20, 000 to Mandeep Singh. I have given this amount through Tinku because we did not know Mandeep Singh. That Tinku and Mandeep Singh, despite taking money from me, neither employed my son nor returned the

money. After which we filed an application against these persons in the economic wing. After that Tinku gave three Cheques of Rs. 3,80,000/- (Cheque No. 000001 amount 80,000, Cheque no. 000002 amount Rs. 1,00,000/-, Cheque no. Rs. 000003 amount of Rs. 2,00,000 of bank HDFC Limited Patrana. Out of which cheque no 000001 which was for amount of Rs, 80,0000/-, gave amount in cash and cheque was returned. The above said cheques number 000002, 000003 was presented in the bank and bounced due to the lack of money in the bank. Apart from this Tinku brought two cheques, cheque no. 064066 amount of Rs. 1,50,000/- and cheque no. 064067 amount of Rs. 1,50,000/- bank of Maharashtra branch Rohtak so that you can withdraw the amount through them and the rest I will bring amount of Rs. 20,000/- in cash but when these checks of Mandeep Singh were deposited in the bank, they also bounced and those on the cheque signature are also not correct. Thus, they have done a great fraud and cheated me. One is that they cheated my son of Rs. 8 Lakh by pretending to get a job and the secondly, wrong checks have been given in name of return the money which have bounced and signature on the cheque is also not correct, despite which we have taken action against these persons. Now when I tell them to return my money, they threatening to kill me and openly saying that we do not owe you any amount. Due to which I am very disturbed mentally. Therefore, by presenting the application, I requested that strict and strict legal action be taken against the said Tinku and Mandeep Singh for cheating my son Rs.8,00,000/- and regarding bouncing of checks given by them and threatened to me and let me be justice. I shall be highly thankful to you. Thank you. Sd/ Parveen Kaur wife of Ram Singh resident of Chunagra Road, ward no 13, Sagar Basti,

Patran, District Patiala.

3. **Contentions**

**On behalf of the petitioner:**

Learned counsel for the petitioner would contend that the allegation qua the petitioner is that he handed over an amount of Rs.3,20,000/- to one Mandeep Singh and except that there is no other allegation against him. It is submitted on behalf of the petitioner that out of the said amount i.e. Rs.3,20,000, an amount of Rs.1,80,000/- has already been paid to the complainant and petitioner is ready and willing to return the balance amount to the tune of Rs.1,40,000/- to the complainant.

Notice of motion.

**On behalf of respondent-State**

Mr. Jaspal Singh Guru, AAG, Punjab having been served with an advance copy, accepts the notice on behalf of respondent-State. He submits that the complainant has been duped of an amount of Rs.6,20,000/- and out of the said amount Rs.3,20,000/- has been paid to the accused through the petitioner, whose custodial interrogation is required to recover that amount.

4. **Analysis**

At this stage, one astonishing fact has been pointed out by the counsel for the petitioner qua the co-accused Mandeep Singh, who is at large and not being apprehended because of his political connection being son of Personal Assistant to Mr. Manish Grover, Ex-MLA/Minister in the State of Haryana and on that account he is being spared but the Investigating Agency is after his blood.

Learned State counsel though admitted the afore-said

antecedents of Mandeep Singh but except raids being conducted by the Investigating Officer no other explicit reason is coming forth as to why the investigation is not proceeded till date to a logical end.

Be that as it may, as per the allegations in the FIR an amount of Rs.3,20,000/- has been paid to the accused through the petitioner, out of the said amount the petitioner has already returned an amount of Rs.1,80,000/-. To show his *bona-fide*, the petitioner undertakes to return the balance amount to the tune of Rs.1,40,000/- to the complainant.

Considering the *bona-fide* and role of the petitioner, who has fairly admitted his fault and contribution in commissioning of offence and the undertaking given before this Court, this Court is of the view that no useful purpose would be served by sending the petitioner behind the bars.

**5. Conclusion:**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining the investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, upon furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

*“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

*(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*

*(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him*

*from disclosing such facts to the Court or to any police officer;*  
*(iii) a condition that the person shall not leave India without the previous permission of the Court;*  
*(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

The petitioner shall make a demand draft to the tune of Rs.1,40,000/- in favour of complainant and handed over to him, at the time of joining the investigation. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within 10 days as well as returning the balance amount, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**23.10.2024**  
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|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable :         | Yes / No |