



CRM-M-55147-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-55147-2024 (O&M)
Date of Decision: 18.11.2024

Parlad Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Sandeep Singh, Advocate and
Mr. Jugansh Goyal, Advocate for the petitioner.

Mr. Puru Jarewal, AAG, Punjab assisted by
Inspector Neeraj Chaudhary.

Mr. Vishal Sharma, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.84 dated 23.06.2023, registered under Sections 406, 420, 467, 471 and 120-B of the Indian Penal Code, 1860, at Police Station Sarabha Nagar, District Ludhiana.

2. Above FIR was lodged by *de-facto* complainant-Shinder Singh with the allegations that petitioner in connivance with other co-accused hatched criminal conspiracy; defrauded him to the tune of Rs. 3.50 crore on the pretext of getting bail to his uncle-Nirmal Singh Bhangu and out of said amount, Rs.50 lakh was deposited in the bank account of firm namely M/s Kisan Pesticides owned by the petitioner.

3. Contends that petitioner is neither named in the complaint/FIR nor any recovery is to be effected from him. Further contends that FIR was registered on the basis of alleged conversation between co-accused Pritam



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Singh and uncle of complainant which still remains unverified. Also contends that continuation of the criminal proceedings on the basis of present FIR is not maintainable as *de facto* complainant does not fall within the definition of 'victim' as provided under 2(w) of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'). Still further contends that no notice under Section 41A or 160 of Cr.P.C was ever issued by the prosecution to the petitioner during investigation. Lastly contends that petitioner be granted concession of pre-arrest bail on the ground of the parity as main accused-Pritam Singh has already been granted pre-arrest bail by learned Additional Sessions Judge, Ludhiana on 23.08.2023 noting the fact that alleged demand was raised in the year 2016 and present FIR was registered in the year 2023 i.e after a delay of 7 years.

4. Learned State counsel, although unable to justify that despite rejection of pre-arrest bail of petitioner on 14.12.2023, the Investigating Officer did not make any effort to call him for joining investigation, but, he submits that now disciplinary proceedings have been initiated against the erring police officer by the competent authority. He further submits that during investigation, one Girdhari Lal made statement under Section 161 Cr.P.C. to the effect that an amount of Rupees 50 lakh was deposited in the account of petitioner's firm through demand draft No. 166528 dated 24.07.2020 drawn from his State Bank of India, (Account No.30006831549). Also submits that aforesaid amount was deposited in the account of petitioner on asking of the co-accused-Pritam Singh, (Ex-MLA); thus, his complicity is apparent. Lastly submits that custodial interrogation of petitioner would be very much necessary to know the entire chain of fraud to the tune of Rs. 3.5 crore.



allegations against the petitioner are very serious, therefore his custodial interrogation would be necessary.

6. Heard learned counsel for the parties and perused the paper-book.

7. Allegations are about payment of Rupees 3.50 crore for arranging bail to *de facto* complainant's uncle-Nirmal Singh Bhangu and out of that, Rupees 50 lakh were deposited in the Bank Account of petitioner's firm namely M/s Kisan Pesticides. Although learned Senior Counsel tried to justify that alleged amount of Rs. 50 Lakh was borrowed as a loan by the petitioner from Girdhari Lal, but there is no material in this regard; nor even an averment has been made in the bail petition to that effect.

8. During investigation, statement of Girdhari Lal was recorded under Section 161 Cr.P.C and who *inter alia* stated that amount of Rs. 50 Lakh was deposited by him in the account of petitioner's firm.

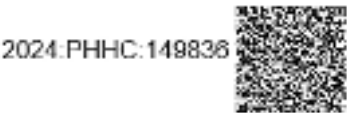
9. In view of the above, *prima facie*, complicity of the petitioner is well apparent; therefore, in such a scenario, his custodial interrogation would be very much necessary to know the true facts.

10. Although, learned Senior counsel tried to convince this Court on the ground of parity with co-accused Pritam Singh, but it transpires that he was granted pre-arrest bail by learned Additional Sessions Judge, Ludhiana while taking note of the fact that Police did not ask for his custodial interrogation.

11. Consequently, there is no option, but to dismiss the petition.

12. Ordered accordingly.

13. The above observations be not construed as an expression of opinion on merits of the present case in any manner.



14. Needless to say that interim order dated 06.11.2024 and extended subsequently on 12.11.2024 shall come to an end automatically.

 Pending application(s), if any, shall also stand disposed off.

18.11.2024	(MAHABIR SINGH SINDHU)
Rajeev (rvs)	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	Yes