



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M No.56954 of 2024
Date of decision: 16.12.2024

PREM SAGAR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Roja Agnihotri, Advocate for the petitioner.

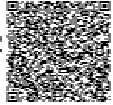
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No. 183 dated 08.08.2024 registered under Section 420 of Indian Penal Code, 1860, at Police Station Bhawanigarh, District Sangrur.
2. Vide order dated 18.11.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 18.11.2024, passed by this Court, reads as under:

“Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail to the petitioner in case FIR No. 183 dated 08.08.2024 registered under Section 420 of Indian Penal Code, 1860, at Police Station Bhawanigarh, District Sangrur.

As per the prosecution case, the aforementioned FIR was lodged on the basis of complaint lodged by Ashwani Kumar proprietor of Ashwani Trading Company alleging therein that he



was engaged in the business of rice trading and from the last 3-4 years was doing business with firm named as S.K. Enterprises owned by the petitioner. He used to sell as well as purchase rice from the petitioner. He had purchased rice worth Rs. 13,44,098/- from the petitioner on 11.03.2024. On 15.03.2024, the petitioner called the complainant in his house and he along with the co-accused who was his family member offered to purchase rice from him. The petitioner purchased rice worth Rs. 13,77,082/- and agreed to make payment of the same within one week. However, the said amount of money had not been paid by him despite taking rice from the complainant and he kept on putting off the matter and then later on refused to pay for the same. The complainant, therefore, prayed for taking action in the matter. On his complaint, the case under Section 420 of IPC was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Sangrur, which was dismissed vide order dated 08.11.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the dispute between the parties is of civil nature. He has already filed a suit for recovery of a sum of Rs. 6,21,435/- against the petitioner as he failed to pay the same. The case is based on documentary evidence. No recovery is to be effected from him. He is ready to join the



investigation. Therefore, it is urged that the petitioner deserves to be extended benefit of pre-arrest bail.

Notice of motion for 16.12.2024.

Learned State counsel who has advance notice on behalf of the State accepts notice on behalf of the respondent-State while seeking time to file status report, has urged that there are specific allegations against the petitioner against the petitioner and he does not deserve to be released on bail.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report dated 15.12.2024 filed on behalf of respondent-State is taken on record. Learned State counsel has submitted that though the petitioner has joined the investigation on 03.12.2024, however he has not co-operated with the investigating agency and no part of money had been recovered by him.

4. It is well settled proposition of law that the criminal law process, especially while deciding applications for bail, should not be used for coercion or recovery of money and rather it should be based on merits of the case. The



decisions in bail applications should not be made on the nature of accusation, severity of potential punishment and likelihood of an accused absconding. Reference in this regard can be made in *Dilip Singh vs. State of Madhya Pradesh and another, 2021(R) RCR (Criminal) 585* wherein, it was observed by this Court that a criminal Court exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as recovery agent to realize dues of complainant without there being any trial. Further reliance can also be made to *Manoj Kumar Sood and Another vs. State of Jharkhand, Special Leave to Appeal (Crl.) NO.1274 of 2021 decided on 19.03.2021* wherein, it was observed that disputed dues cannot be recovered in criminal proceedings.

5. In view of this position of law, the petitioner cannot be denied bail only because of the fact that the disputed money has not been recovered by him. In my considered opinion, no useful purpose would be served by detaining the petitioner in custody. Hence, the present petition is allowed and order dated 18.11.2024 granting interim bail to the petitioner is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

16.12.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No