



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57497-2024
DECIDED ON: 19.11.2024

PUNJAB SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Ravisha Mahajan, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.106, dated 02.10.2024, under Section 420 IPC, registered at Police Station Bhikiwind, District Tarn Taran.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, learned SSP Sir, Taran Taran, Subject: Regarding cheating of Rs.3,50,000/- under the pretext of sending abroad Canada. Against: Agent Punjab Singh, son of Gurpal Singh Subedar, resident of village Lohka (House of Paodians), Lohka to Jawanda Road, Tehsil Patti, District Tarn Taran. Mobile No.98149-94391. Respected Sir, it is submitted that I Gurdial Singh son of Ajaib Singh is the resident of Village Kale, Police Station Bhikhiwind,

District Tarn Taran and submit that the above-said accused had a word with us for sending my son Sarabjit Singh to Canada in the year 2016 for a total sum of Rs.22 lacs and said that initially he will take money for ticket and some other expenses and remaining amount he will take after sending the son Sarabjit Singh abroad, due to which we fell into his trap. That in October 2016, he took Rs.2,00,000/- in cash from us at home in village Kale in the presence of witnesses and assured that very soon he will send our son abroad to Canada. That for some time he took my son with him to Delhi and made him sitting there for about 8 days and one day called from Delhi and said I have to book the ticket for your son, you now send Rs.1,50,000/- in my account, on which I sent Rs.1,50,000/- in his account, of which I have all the proofs, I will present the same. That after keeping my son in Delhi for 8 days, he took him to Ahmedabad, Gujarat, as he will send my son via Ahmedabad to Dubai, but there also he kept my son sitting for about 8 days and after about 15 days he brought my son back home by saying the work was not fructified and I will try again after a few days and send Sarabjit Singh to Canada soon. But after that till date neither he has refunded our money on our repeated requests nor he has made any attempt to send my son to Canada. Till today, he is giving false hopes to us and now a few days ago he told us that whatever you want you can do, I will not return any money. That I am ready to present all the witnesses and evidence. Strict legal action should be taken against the accused agent Punjab Singh and my money should be get recovered and justice should be provided to me. I will be grateful. Complainant. SD/- Gurdial Singh. Gurdial Singh son of Ajaib Singh resident of Village Kale, Police

Station Bhikhiwind, District Tarn Taran. Mobile No.98031-60243, 98785-26597.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that in fact the complainant Gurdial Singh and the petitioner are close relatives and father of the petitioner has advanced an amount of Rs.22 lacs to the family of the complainant which he failed to repay as per the understanding. It was only in the year 2016, some amount out of the said loan was paid by way of a cheque which was dishonoured and subsequently a complaint under Section 138 of Negotiable Instruments Act was preferred by the father of the petitioner against the brother of the complainant which came to be settled by way of a compromise between the parties and the said complaint case was withdrawn on a joint statement on 11.09.2021 (Annexure P-2). She would further assert that the present FIR is only an afterthought and a counter-blast being used by complainant Gurdial Singh in connivance with other persons, which is totally a concocted story. She further refers to report dated 06.02.2024 (Annexure P-3) i.e. inquiry conducted in the complaint wherein nothing could be found against the present petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from ASI Kuldip Singh submits that except the dispute qua the amount which is to be returned by the petitioner, if any due, no other incriminating material could be pointed out by the State counsel which would necessitate the custodial interrogation of the petitioner at this stage.

4. **Analysis**

Be that as it may, considering the fact that except the dispute qua the amount which is to be returned by the petitioner, if any due, no other incriminating material could be pointed out by the State counsel which would necessitate the custodial interrogation of the petitioner at this stage, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail at this stage.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

19.11.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No