

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****101****CRM-M-3331-2023****Date of decision: 27.10.2025**

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. H.S. Rakhra, Advocate for the petitioner.
Mr. Saurav Verma, Addl.AG, Punjab.
Mr. Ranjivan Singh, Advocate and
Mr. Risham Raag Singh, Advocate for the complainant.

VINOD S. BHARDWAJ, J (ORAL)

The petitioner has filed the instant petition under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in case FIR No. 195 dated 23.11.2022 under Sections 406,420 IPC registered at P.S Sadar Khanna, District Ludhiana.

Matter came up for hearing on 23.01.2023, when following order was passed by this Court:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.195 dated 23.11.2022 under Sections 406/420 of IPC registered at Police Station Sadar Khanna, District Ludhiana (Annexure P-1).

The FIR in the present case was registered after the inquiry into complaint filed by the complainant-Tarsem Singh to the SSP, Khanna with the allegations in brief that his son was in Cyprus and daughter of the petitioner-Sanjeev Kumar was married with Honey son of Kulwant Singh resident of village of the complainant and they represented their relative Gitanjali, daughter of Sanjeev Kumar is also in Cyprus and was a travel agent there and she can settle his son in England against payment of Rs.9,00,000/-. On their assurance and representation, the complainant paid a huge sum of money to the petitioner on different dates. The complainant alleged that Sanjeev Kumar and



his daughter-Anjali @ Gitanjali after taking money from him, have cheated him of Rs.21,00,000/- as they could not settle his son permanently in England. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. The allegations against the petitioner as levelled by the complainant in the FIR are that he has paid a sum of Rs.7 lakh (Rupees Seven Lakh Only) in the account of the petitioner for the purpose of settlement of his son, namely, Balwinder Singh, in England, who was already living in Cyprus.

Learned counsel for the petitioner contends that the complainant transferred a sum of Rs.7 lakh (Rupees Seven Lakh Only) in the account of the petitioner and bank statement to this effect has been annexed as Annexure P-2, thereafter, the said amount has been transferred by the petitioner to the account of his daughter-Geetanjali in the shape of 4560 Euro vide Annexure P-3 and the said amount has been withdrawn by the son of the complainant, namely, Balwinder Singh, vide different ATM transactions which has been annexed as Annexure P-4 as the account of the son of the petitioner was working. He further submits that the son of the complainant has married to Foreign National and living in Cyprus and to that effect he has attached the photographs as Annexure P-5; Passport of the said lady as Annexure P-6 and Residency Card of son of the complainant from 22.11.2021 to 22.11.2026 as Annexure P-8. Counsel for the petitioner further submits that there is no other case pending against the petitioner and he is ready and willing to join the investigation.

Notice of motion.

Mr. Virat Rana, AAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State and seeks time to file reply/status report.

Adjourned to 26.04.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-



- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do.*
- 2) That the petitioner 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.*
- 3) That the petitioner shall not leave India without prior permission of the court.”*

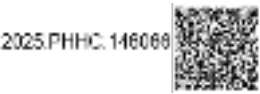
Said interim has continued to operate, however in the meanwhile, parties were already referred to the Conciliation and Mediation Centre to explore the possibility of an amicable resolution of the dispute.

Learned counsel for the complainant contends that even though a compromise was arrived at during the mediation proceedings, however, petitioner has not honored the terms of the settlement and the amount outstanding remains to be paid. He contends that there are specific allegations against the petitioner for having taken money for sending the son of the complainant abroad.

Upon a specific query being put as to whether during the period of interim bail having been granted, has the petitioner misused the concession, learned counsel for the respondents do not indicate any instance of abuse of said concession.

Considering that a period of nearly two years has already elapsed since grant of interim bail, the petitioner has not abused the concession, hence merely that at some point of time, the petitioner had offered to pay the amount during mediation proceedings and his failure to do so would not be a ground sufficient itself to dismiss the petition, at this stage.

Accordingly, the present petition is allowed and the interim order dated 23.01.2023 is made absolute.



However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 482 (2) BNSS.

October 27, 2025
manoj

(VINOD S BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No