



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-2864-2025 (O&M)
Date of decision: 18.03.2025**

Naresh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vikrant Pujara, Advocate for
Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab for the respondent.

Ms. Vibha Nagar, Advocate for
Mr. Ashish Nagar, 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.235 dated 10.10.2024 (P-1), under Sections 420 & 120-B of the Indian Penal Code, 1860 (*for short* 'IPC'), registered at Police Station Jamalpur, District Police Commissionerate Ludhiana.

(2) Allegations are that petitioner in connivance with co-accused cheated the *de facto* complainant-Priya by selling plot, which was already sold to another person.

2025:PHHC:036911



(3) Contends that petitioner was granted interim protection by this Court, vide order dated 04.02.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from the police official concerned and submits that as on today, custodial interrogation of the petitioner is not required. Status report by way of an affidavit dated 17.03.2025 of Sh. Jasbinder Singh, Assistant Commissioner of Police, Industrial Area-A, Ludhiana has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

(5) Learned Counsel for the complainant has opposed the prayer of petitioner.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim protection by this Court, vide order dated 04.02.2025 and the order reads as under:-

“Contends, inter alia, that Civil Suit is already pending between the parties i.e. petitioner as well as complainant.

Let this Court be apprised about the latest status of the Civil Suit.

Posted for 18.03.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.”

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(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(9) Although, learned Counsel for the complainant has opposed the prayer; but since learned State Counsel is not asking for the custodial interrogation of petitioner; hence, the objection raised on behalf of the *de facto* complainant is hereby rejected.

(10) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 04.02.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(11) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(13) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

18th March, 2025

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>