

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3207-2025
Reserved on: 10.03.2025
Pronounced on: 25.03.2025

Arun @ Arun Mittal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishwajeet, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. Manjeet Singh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
428	13.09.2024	Jind City, District Jind	406, 420, 506, 34 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That the brief facts of the case are that on the complaint of Deepak Saini son of Mahender Saini, resident of Safidon Gate Jind, Naveen Jain son of Sh. Surender Jain and Saurabh Jain son of Naresh Jain, all residents of Jind case bearing FIR No. 428 dated 13.09.2024 u/s 406, 420,506,34 IPC was registered at Police Station City Jind, inter-alia on the allegations that complainant, Naveen Jain and Sourabh are collectively doing the business of sale and purchase of mobile and for sometimes they were selling mobile to the applicant Arun Mittal and by making payment in time he had won their faith. Earlier he used to take some mobiles and all was going properly. But from 02.12.2023 to 05.12.2023 applicant had taken mobile phones of

Rs.21,97,000/- on credit from them. Due to having faith, complainant gave the goods on credit. Out of the said amount accused paid only Rs. 1,47,000/- and cheated him for a sum of Rs. 20,50,000/- in deceitful manner. Whenever they asked him for payment then he took more time and after passing sufficient time when they asked him for payment then he started threatening to kill and to commit suicide. In this cheating his father Narender Mittal and her brother Karan Mittal are also involved. Due to his cheating they came under heavy debt and their business also ended. The complainant has been cheated by the accused and request for taking legal action against the accused was made.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any.

5. The State's as well as counsel for the complainant oppose bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“13. That regarding complicity of the petitioner is concerned, it is submitted that the allegations against the petitioner-accused are serious in nature. The allegations against petitioner-accused are that with effect from 02.12.2023 to 05.12.2023 he had purchased mobiles from the complainant for amount of Rs. 21,97,000/- on credit out of which he had paid only Rs. 1,47,000/- to the complainant and committed cheating regarding sum of Rs. 20,50,000/- in deceitful manner with dishonest intention. During the course of investigation of the case, the petitioner was joined in the investigation of the case, but the petitioner-accused has not cooperated the investigating officer in the investigation of the case as neither he got recovered money met out from the sale of mobile phones supplied by the complainants nor got recovered the mobile phones purchased from the complainants. Custodial interrogation of petitioner-accused is necessary to unearth the true facts as well as to effect the recovery of mobile phones. Therefore, considering the role played by the petitioner-accused and petitioner-accused, he is not entitled for grant of anticipatory bail. Keeping in view the nature and gravity of the offence, it would not be in the interest of justice to grant concession of anticipatory bail to the petitioner-accused.”

REASONING:

7. Perusal of the pleading reflects that it is a civil dispute and there is business relations between the complainant and the petitioner. As per para no.8 of status report, the SHO has prepared cancellation report on 31.10.2024, however the same was not accepted, which made the petitioner entitle for bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of

anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding

the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.