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

**CRM-M-3634-2025 (O&M)
Date of decision : 12.05.2025**

Avtar Singh

..Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. N.S. Mahal, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, '*the B.N.S.S.*') has been filed for grant of pre-arrest bail to the petitioner in FIR No.201 dated 20.10.2022, under Sections 406, 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Basti Bawa Khel, District Jalandhar.

(2) Allegations are that petitioner in connivance with co-accused has duped the *de facto* complainant to the tune of Rs.3,00,000/- on the pretext of purchasing a luxury car.

(3) Learned counsel contends that petitioner was granted interim bail by this Court, vide order dated 23.01.2025 and in



pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioner is not required.

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

(6) It transpires that petitioner was granted interim bail by this Court, vide order dated 23.01.2025 and the order reads as under:-

“Contends, inter alia, that car in question is very much in the possession of de facto complainant-respondent No.2.

Notice of motion.

At this stage, Mr. Kunwarbir Singh, learned AAG, Punjab, accepts notice on behalf of respondent No.1-State; seeks time to have instructions and/or to file written response in the matter.

Service of respondent No.2 in due course.

Posted for 05.03.2025.

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

(7) 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.

(8) 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 23.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

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

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

(11) 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.

12.05.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

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