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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-3907-2025 (O&M)
Date of Decision: 12.05.2025

Sunil Kumar Aggarwal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S.Rana, Sr. Advocate with
Mr. Nayandeep Rana, Advocate and
Mr. Lakshay Goel, Advocate and
Mr. Rushit Goel, Advocate for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab.

Mr. Liaqat Ali, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest
bail to the petitioner in FIR No. 214 dated 27.12.2024 (P-1), under Sections
406, 420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'),
registered at Police Station Moti Nagar, District Ludhiana.

2. Allegations are that petitioner cheated and defrauded the
de facto complainant-Kanwaljit Singh and his relatives to the tune of
Rs.1,45,00,000/- on the pretext to double the said amount.

3. Contends that petitioner was granted interim bail by this Court,
vide order dated 24.01.2025 and in pursuance thereof, he has already joined
investigation; hence, his custodial interrogation is not required.



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4. The above factual position is not disputed by learned State Counsel, on instructions from quarter concerned and submits that his custodial interrogation is not required “at this stage”.

5. Learned counsel for the complainant vehemently opposed the prayer while submitting that petitioner has cheated the complainant and allegations against petitioner are serious in nature and amount of Rs.1,45,00,000/- is yet to be recovered from the petitioner; hence, he does not deserve the concession of pre-arrest bail.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that petitioner was granted interim bail by this Court, vide order dated 24.01.2025 and the order reads as under:-

“While making reference to enquiry report dated 11.08.2024 (P-3) contends, inter alia, that complainant-Jagjit Singh Bhatia invested Rs. 1,45,00,000/- to earn profits and report further discloses that no offence is made out against the petitioner but without disclosing this aspect of the matter, present FIR has been registered on the same set of allegations by brother-in-law (Jija) of earlier complainant, namely, Kanwaljit Singh.

Notice of motion.

At this stage, Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent and Mr. Ram Kumar Chauhan, Advocate, accepts notice on behalf of complainant; both of them seek time to have instructions; and/or to file written response in the matter.

Posted for 11.03.2025.

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

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 complainant has opposed the prayer; but contention raised by learned counsel for complainant is



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not acceptable for the reason that State is not asking for custodial interrogation of petitioner. Moreover, Police is not the recovery agent for complainant; rather, they are to maintain the law and order in the State. Thus remedy for recovery, if any, at the instance of complainant lies somewhere else; but present bail matter is not the recovery proceedings.

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 24.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of 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.

12.05.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No