



**207-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5034-2025

Date of decision: 15.02.2025

Ishwar alias Lilu

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sutikshan Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.290 dated 17.09.2024 under Sections 420/406 of IPC
registered at Police Station Sadar Narwana, District Jind (Annexure P-1).

On 29.01.2025, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking
anticipatory bail in FIR No.290 dated 17.09.2024 under Sections 420
& 406 of the Indian Penal Code, 1860, registered at Police Station
Sadar Narwana, District Jind.*

*Learned counsel for the petitioner, inter alia, contends that five
months prior to registration of FIR (supra), the petitioner along with
two other persons, namely Vijendra and Bhagat, had filed a complaint
with regard to alleged cheating before SHO, Police Station NAI
Bhoregarh, Narela, Delhi. The main accused in the FIR (supra) are
Narendra and Johnny @ Praveen and both of them have already been
arrested. The petitioner has been implicated in the present case by the
complainant, as other persons were out of his reach. The petitioner is
an illiterate person and he has no knowledge about the employment
procedure. Moreover, the maximum sentence provided for the offences,*



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under which the FIR (supra) is registered, is punishable upto 07 years. Even no notice under Section 35 of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.

Notice of motion for 15.02.2025.

*To be heard along with **CRM-M-1844-2025 (Roshni Vs. State of Haryana)**.*

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Subhash Chander, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is required to recover the amount.

In view of the ratio of law laid down by the Hon'ble Supreme Court passed in 'Dilip Singh Vs. State of Madhya Pradesh and another', (2021)

2 SCC 779, the anticipatory bail is primarily for securing the liberty of the accused and it cannot be used in any manner to recover the amount in dispute.

In view of the above, order dated 29.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.02.2025
Neha

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