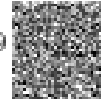


2025:PHHC:015069



105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5487-2025
DECIDED ON: 03.02.2025

RAJBIR ALIAS RAJBIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

Mr. Kawalpreet Singh Virk, Advocate for
the complainant.SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.667, dated 05.12.2024, under Sections 316(2), 318(4) of BNS, 2023, registered at Police Station Sector 32-33, District Karnal (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of complaint is as - To, the Superintendent of Police, Karnal. Respected Sir, it is respectfully submitted that I Balwinder Singh son of Shri Lakhwinder Singh resident of village Ruksana, Tehsil Assandh, District Karnal. That I am running my business in Shiv Colony, street no.6 in the name of Paul Merchant Company. On 27.11.2024, one of my acquaintance, whose name is Rajbir son of Shri Tel Ram resident of village Banta, District Kaithal and according to him he has raised gold loan amounting to Rs. 11,00,000/- (Rupees eleven lakh) from

some commission agent MS Viyan Trading Company, New Grain Market, Taraori District Karnal by pledging 231.735 gram gold, in order to get the gold released, he took Rs. 11,50,000/- (Rupees eleven lakh fifty thousand) from me and neither gave me the gold nor returned my money. Detail of the incident:-Balwinder took Rs.4,00,000/- (Rupees four lakh) in cash from Baljit Singh Branch Manager on 27.11.2024 at about 02.30 PM from my Paul Merchants Shiv Colony Karnal Branch and went with my assistant Akshay Jog and I got sat Rajbir Singh in my vehicle near Railway Bridge, Kaithal and we departed towards Ghanta Ghar Chowk, Karnal, that Akshay and Rajbir Singh kept sitting in the vehicle and I brought Rs.7,00,000/- (Rupees seven lakh) in cash from Vaibhav Patil, Sarafa Bazar at about 03:00 O' clock, the evidence in that regard is with us and I already had Rs. 1 lakh with me. After this, we went towards Sector 8, Rajbir Singh counted Rs.11,50,000/- (Rupees eleven lakh fifty thousand) in the market of Sector-8, near the house of Brij Sharma and went down of the vehicle and went inside the street adjacent to the house of Brij Sharma. Rajbir answered the phone calls for 1-2 hours, after that Rajbir stopped answering the phone call. Alongwith Rajbir, there is another person namely Varun Gupta, who used to talk to me impersonated as owner of trading company and according to Rajbir, whole this gold is mortgaged with him. That we have come to know that Rajbir is a fraud man. A case of forgery bearing no.1207 dated 28.12.2021 is already pending consideration before Karnal Court against him and Rajbir Singh and Varun Gupta both are in collusion with each other. That Sir, a big fraud has been committed with me. It is prayed before yourself that strictest legal action may be taken against the above said accused persons and my money may be got returned to me. It shall be kindness of you. Date 29.11.2024. Rajbir Mb.No.9485764982, Varun Gupta-952043176 Applicant:-Sd/- Balvinder Singh S/o Sh. Lakhwinder Singh R/o village Ruksana Tehsil Assandh, District Karnal, Mb.no.7015335053. At this time it is entered that the undersigned SI Niranjana is present in the police station that one complaint from office of Superintendent of Police, Karnal bearing no.4515-Peshi dated 29.11.2024, after inquiry of Economic Crime Wing, District Karnal, on the complaint of Balwinder Singh son of Shri Lakhwinder Singh resident of village Ruksana Tehsil Assandh District Karnal against Rajbir son of Shri Telu Ram resident of village Banta District Kaithal 9485764982 and Varun Gupta 952043176 regarding not returning the 231.735 gram mortgaged gold by the above said accused persons to the complainant on 27.11.2024, received in the police station through post, thereupon case no.667 dated 05.12.2024 U/s 316(2),318(4) BNS registered at Police Station Sector 32-33 Karnal and copy of police case alongwith original complaint is taken into self custody by SI Niranjana and involved in the investigation. Remaining copies of first information report are being sent through post to the senior officers."

3. Contention

On behalf of the petitioner

The petitioner in the present matter submits that there was no premeditated intention to deceive, and there is no evidence to support the allegation that the complainant paid an amount of Rs. 11,50,000/- in cash to the petitioner under the pretext of facilitating the release of pledged gold.

Notice of motion.

On behalf of the State/complainant

Learned State counsel assisted by learned counsel for the complainant prays for dismissal of the present petition, though could not produce any incriminating material to connect the petitioner with alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no incriminating material has been put forth by the prosecution to connect the petitioner with the alleged commissioning of offence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

03.02.2025

Meenu

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