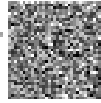


2025.PHHC:015067



107

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5875-2025

DECIDED ON: 03.02.2025

KAJA RAM ALIAS KAJU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Barjesh Kumar Sharma, Advocate and
Ms. Shiwani, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in case of FIR No. 55 dated 17.10.2024 under Sections 420, 467, 468, 471, 120-B of IPC and 25 of Arms Act, 1959 registered at Police Station Sehna, District Barnala (Annexure P-1).

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘At this time, an application No. 2530/VP dated 10-08-2024 has been received through dak by Women Constable Ranjeet Kaur 213/B from Saminder Singh son of Balveer Singh resident of Muktsar against Najam Singh son of Sukhwinder Singh alias Bhola, unknown wife of Najam Singh resident of

Sehna Kaja Ram alias Kaju resident of Dhilwan, Hardeep Singh alias Happy Mattiwala and Unknown Person for registration of the case FIR under Sections 420, 467, 468, 471, 120 B-IPC & 25 A. Act. The contents of the application are as under: To, SSP, Barnala. Subject: In relation to cheating with a bad horse by showing expensive horse harness. Sir, it is submitted that I Saminder Singh son of Balveer Singh is a resident of Muksar Sahib. I work as a broker for animals. That Kaju Singh, whose mobile number is 98785-48018, says that he is resident of Mehraj and I was introduced to him during this brokerage, who told me in February 2024 that Najam Singh son of Bhola Singh, resident of Sehna has good animals, you came and we will see. Upon which, I went to the house of Najam along with him. When I and Kaju Singh reached at Sehana, a man named Mani came there, who only knew Kaju Singh, who said that the horse Najam Singh has it, it is good and he has customers of this horse, otherwise this horse will be sold to Mewa Singh Dhilwan. We will sell the horse together. Then we fix a deal of Rs. 18,50,000/- of horse, out of which, Kaju Singh and Mani gave Rs.5 Lac, which I returned to them on the very next day. I had given Rs.8 Lac, which was with me in cash, which I brought for buffaloes. I also gave the rest of the rupees from my friends. Then Najam Singh told us that if you take a mare, he will give it cheaply. Then Mani Singh said that I have a client for a mare too, but without a mare, the deal of the horse will remain pending. Because of this, it is necessary to get a mare and we fixed the deal of for 20 lakh rupees. On which Najam Singh asked to pay all the money. On which Mani Singh and Kaju Singh gave another 02 lakh rupees. Ask me to collect the remaining rupees. Mani Singh and Kaju Singh said that we will sell this deal for 52 lakh rupees. On which 11 lakh rupees were deposited in the account of Najam Singh. That the next day I returned 02 lakh rupees to Kaju Singh and Mani Singh. I also gave the remaining

\amount borrowed from friends to Najam Singh in the presence of my witness. Who counted the rupees and gave it to his wife. Out of which only one and a half lakh rupees were reduced. I had brought a horse and mare to the house. After which Mani Singh and Kaju Singh never talked and stopped picking up my phone. I showed this horse and mare to the businessman, and the businessman checked me and told me that their value was two and a half lakh rupees. Then I found out on my own that Najam Singh, Mani Singh and Kaju Singh have formed a gang which continues to do similar work. They have cheated me to the tune of Rs.38,50,000/-. I filed a complaint against them. But this Najam Singh compromise his rupees with me and the rest of the money will be given by Hardeep Singh alias Happy Mattiwala and Kaja Ram alias Kaju resident of Dhilwa as these persons have gone out yet. Yesterday, according to our compromise, we went to Najam Singh to inquire about the amount, where we met Najam Singh and his wife on the road outside the house, who said that we are not returning any money, first you take from Hardeep Singh @ Happy and Kaja Ram. Najam Singh's wife said that some rupees were spent and some rupees were taken by Kaju Singh and Hardeep Singh. You first receive the money from them. They said that this compromise was done by them to fool you and the Panchayati persons. While we had thought of cheating on the first day, he also said that they have relations with gangsters, if the conversation continues, you will lose your life. I have come to know that these persons have formed a gang to commit fraud. Kindly take action against the people involved in this gang and give me justice. I have attached a copy of the compromise. SD/ Shaminder Singh, Saminder Singh son of Balveer Singh, resident of Muktsar Sahib 95929-00655.'

3. Contentions**On behalf of the petitioner**

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the complainant is working as a commission agent qua sale and purchase of the cattle who bought two horses from the petitioner and after some time asked the petitioner to purchase the horses back and on denying the same, the complainant lodged the present FIR alleging that the petitioner has committed cheating upon him. He further submits that no offence under Sections mentioned in the instant FIR has been made out against the petitioner as he has not alleged any fraud upon the complainant, moreso, the petitioner is ready and willing to join the investigation as and when called by the investigating officer, therefore, prays for grant of anticipatory bail to the petitioner. He has drawn attention of this Court to an order dated 24.01.2025 passed in CRM-M-4242-2025 by this Court vide which similarly situated co-accused has already been granted the concession of bail.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating office opposes the prayer for grant of concession of anticipatory bail stating that there are serious allegation of cheating levelled against the petitioner but is not in a position to produce any cogent material required for seeking custodial interrogation of the petitioner.

4. **Analysis**

Be that as it may, considering the fact that horses were purchased in the month of February, 2024 and FIR got registered in the month of October, 2024, meaning thereby, there is delay of more than 6 months and therefore, no offence of cheating can be made out added with the fact that co-accused has already been granted the concession of bail hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

03.02.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>