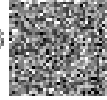


2025.PHHC:015076



113

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6274-2025
DECIDED ON: 03.02.2025

AMIT KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nitin Thatai, Advocate and
Mr. Karan Sharma, Advocate
for the petitioner.

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.444, dated 11.12.2024, under Sections 406 and 420 of IPC, 1860, registered at Police Station Ambala City, District Ambala, Haryana (Annexure P-1)

2. Brief facts of the case as per the version in the FIR read as under:-

“Allegations in substance against petitioner namely Amit Kumar are that he cheated the complainant whereby he entered into an agreement to sell with respect to a property measuring 50 sq. yards and received the sale consideration of Rs.14,00,000/- by giving assurance that property is free from all encumbrances and there is no loan over it. However, subsequently, complainant came to know that property had already been mortgaged with Kotak Mahindra Bank. On the basis of these facts and on the basis of certain other ancillary facts, the present FIR came to be registered”.

3. Contention

On behalf of the petitioner

Learned counsel for petitioner referred in detail to the contents of the FIR as well as Annexures attached with the bail application and contended in substance that it was a loan transaction. It is asserted that, for reasons unknown, the complainant refrained from filing a suit for specific performance and remained silent for over four years before initiating the FIR through alleged influence of political connections. The counsel argued that the dispute is of a civil nature and that the petitioner is innocent of the charges. Furthermore, it was submitted that the petitioner is willing to cooperate fully with the investigation and join the proceedings as required by the investigating agency.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition on the ground that there are serious allegations against the present petitioner, wherein he has been alleged to have been duped the complainant to the tune of Rs.14,00,000/-, but he could not put forth any incriminating material to connect the petitioner with the 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 the dispute is of civil in nature and the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, 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*