



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M No.6850 of 2025

Date of decision: 21.03.2025

LAKHWINDER SINGH ALIAS LUCKY**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Gopal Singh Nahel, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Kirat Pal Dhaliwal, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case 44 dated 11.04.2024, registered under Sections 420, 120-B IPC, Police Station Sadar Sangrur, District Sangrur.

2. Vide order dated 06.02.2025, passed by this Court, the petitioners were released on interim bail and were directed to join investigation. Order dated 06.02.2025, passed by this Court, reads as under:

"1. The instant one is the second petition for grant of pre-arrest bail, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), in case arising out of FIR No. 44 dated 11.04.2024, registered under Sections 420, 120-B IPC, Police Station Sadar Sangrur, District Sangrur.



2. *The previous petition filed by the petitioner had been dismissed as withdrawn.*

3. *Brief facts of the case are that the present petitioner along with co-accused Sukhdeep Singh had induced the complainant to start a joint business of selling Cars with them by projecting that he would bring Cars on cheap rates from Delhi and by selling those Cars at Sangrur, the complainant and themselves would fetch handsome profits. On being allured by the petitioner and co-accused, the complainant had agreed to start the business of sale/purchase of Cars and had invested an amount of Rs.6,30,000/- with the petitioner. The above said amount had been transferred by him to the petitioner through online transaction. The business was started, however, the petitioner and the co-accused did not pay any profits to him and when the complainant demanded the same, they started making excuses and by doing so they usurped an amount of Rs.6,30,000/- from him in a preplanned manner and caused wrongful loss to him. On the basis of these allegations the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway.*

4. *Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sangrur but the same had been dismissed, vide order dated 16.07.2024.*



5. *Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the dispute between the parties is purely of civil in nature which has been given cloak of a criminal offence. The ingredients for commission of offence of cheating have not at all been attracted. The petitioner used to buy Cars at cheap rates from Gurugram and the complainant used to sell those Cars in Sangrur at higher price. Initially they used to share the profit equally but later on it was the complainant who had started making excuses and to share those profits and in order to save himself he had planted a false case upon the petitioner. Therefore, the petitioner is ready to join investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.*

6. *Notice of motion.*

7. *Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advanced notice of the petition and seeks time to file reply.*

8. *Adjourned to 21.03.2025.*

9. *The petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her*



satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.”

3. Memo of appearance filed on behalf of the complainant is taken on record.

4. Reply dated 19.03.2025 filed on behalf of respondent-State is taken on record.

5. Learned State counsel has submitted that though the petitioner has joined the investigation on 12.02.2025, however he has not co-operated with the investigating agency and amount of Rs.6,30,000/- as taken by him from the complainant had been recovered from him. It is well settled proposition of law that the criminal law process, especially while deciding applications for bail, should not be used for coercion or recovery of money and rather it should be based on merits of the case. The decisions in bail applications should not be made on the nature of accusation, severity of potential punishment and likelihood of an accused absconding. Reference in this regard can be made in ***Dilip Singh vs. State of Madhya Pradesh and another, 2021(R) RCR (Criminal) 585*** wherein, it was observed by this Court that a criminal Court exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as recovery agent to realize dues of complainant without there being any trial. Further reliance can also be made to ***Manoj Kumar Sood and Another vs. State of Jharkhand, Special Leave to Appeal (Crl.) NO.1274 of 2021 decided***



on 19.03.2021 wherein, it was observed that disputed dues cannot be recovered in criminal proceedings.

4. In view of this position of law, the petitioner cannot be denied bail only because of the fact that the disputed money has not been recovered by him. In my considered opinion, no useful purpose would be served by detaining the petitioner in custody. Hence, the present petition is allowed and order dated 06.02.2025 granting interim bail to the petitioner is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

21.03.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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