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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-8076-2025 (O&M)
Date of Decision: 27.05.2025

Ram Dass

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Vishal Sharma, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Karanjeet Singh Brar, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.04 dated 16.01.2025 (P-1), under Sections 420, 465, 466, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana.

2. In compliance of order dated 11.03.2025, Demand Draft No.069408 dated 06.03.2025 amounting to Rs.1,12,800/- has been handed over to learned counsel for the complainant. Photocopy of the same is already taken on record as Mark 'X'. Let the same be transmitted to the quarter concerned forthwith for encashment.

3. Allegations are that petitioner in criminal conspiracy with other co-accused cheated *de facto* complainant to the tune of Rs.18,34,000/- through forged documents and false promises.



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4. Contends that petitioner was granted interim bail by this Court, vide order dated 19.02.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

5. The above factual position is not disputed by learned State Counsel, on instructions from quarter concerned and submits that his custodial interrogation is not required.

6. *Per contra*, learned counsel for the complainant submits that although complainant was duped by the petitioner and others to the tune of Rs.18,34,000/-; however he is accepting the Demand Draft of Rs.1,12,800/- under protest.

7. Heard learned counsel for the parties and perused the paper-book.

8. It transpires that petitioner was granted interim bail by this Court, vide order dated 19.02.2025 and the order reads as under:-

“Affidavit dated 18.02.2025 of Sh. Gurdev Singh, PPS, ACP (West), Ludhiana filed on behalf of respondent No.1 is taken on record. Registry to tag the same at appropriate place. Copy supplied to the other side.

Contends, inter alia, on instructions that an amount of Rs. 18,34,000/- shall be refunded to the de facto complainant subject to final outcome of the criminal case.

Posted for 11.03.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer, but he be not arrested till the next date of hearing.

Needless to say that refund of the above amount shall not prejudice the rights of petitioner in any manner.”

9. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

10. Apart that complainant has received an amount of Rs.1,12,800/,



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through Demand Draft No.069408 dated 06.03.2025, hence, there would be no justification to deny him the concession of pre-arrest bail.

11. Consequently, present petition is allowed; interim order dated 19.02.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS.

12. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

13. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

14. It is clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

15. It is also clarified that payment of an amount of Rs.1,12,800/- shall not be construed as prejudicial to the interest of petitioner and/or complainant in any manner and the same would be confined only to the present bail application only.

Pending application(s), if any, shall also stand disposed off.

28.05.2025

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No