



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-8273-2025  
DECIDED ON: 14.02.2025

GURINDER WALIA AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Sharma, Advocate  
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of The Bharatiya Nagrik Surkasha Sanhita, 2023 (Section 438 of Cr.P.C. of erstwhile code) for grant of anticipatory bail in FIR bearing No.0019 dated 21.01.2025 (ANNEXURE P-1) registered at P.S. Division no.8, District Ludhiana, under Section 420 / 120-B of Indian Penal Code, 1860.

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

*“At this time, one application no. 443858 PGD 443497 dated 25.9.2024 from Subhash Kumar son of Sh. Hem Raj resident of Dana Mandi, Gill Road, Ludhiana aged 59 years M.No.9815724100 has been received through post, contents of which are:- To, Hon'ble D.G.P., Punjab, Chandigarh, Sub: Application against 1) Gurinder Walia and Another M.No.98151-00473 2) his wife Gurinder Walia, 3) their son Chandanpal Singh Walia all residents*

*of 73-J, Near Guru Nanak Public School, Sarabha Nagar, Ludhiana for committing act of fraud and cheating with the applicant for Rs.40 Lakhs in conspiracy with each other and also for threatening the applicant to eliminate him. Sir, It is prayed that I Subhash Kumar son of Hem Raj am resident of Dana Mandi, Gill Road, Ludhiana and pray as under:- 1) That the applicant is peace loving and law abiding citizen. 2) That the above said accused persons are very clever and notorious and they stating their financial condition as bad in the year 2018, had taken Rs.45 Lakhs from the applicant, regarding which the applicant has valid proofs, which can be produced before your good-self as required by you and at that time, the applicant was not aware that the only intention of the applicant was to commit play fraud and cheating with him. 3) That the applicant number of times requested them to return his money back, but the above said accused persons no. 1 and 2 had told the applicant that they are unable to return back the money, but they have one property value of which is Rs.38 Lakhs and agreement of full and final dated 12.10.2018 was executed with them by the applicant in the presence of witnesses and stated that now everything has been settled, whereafter, in order to give more assurance to the applicant, they in collusion with each other, they got executed one power of attorney dated 12.10.2018 regarding the same property in the name of brother of the applicant and they also sworn one affidavit that they will not cancel this power of attorney ever and they have done all this by saying that now they will not sell the property. 4) That thereafter, the applicant felt that he has got the ownership rights of the property, but when the time for sale deed would come, then they all started making lame excuses and stating that they are not getting the TS-1*

*document of the property and they were lingering the applicant in this way. 5) That the applicant thinking that all the documents are with them and this property is their property, they did not initiate any action and then in the month of May 2022, the applicant felt a biggest shock of his life, when the accused no.1 and 2 in collusion with each other, transferred the property in favor of accused no.3 and it is pertinent to mention here that when on 12.10.2018, full and final agreement, power of attorney and affidavits were already given by them by saying that they cannot sell the property further. However, in the year 2022, despite knowing about all this, how the accused no.1 and 2 transferred this property in favor of their son i.e. accused no.3, from which, it is proved that their intention was only to commit cheating and fraud with the applicant as they fully knew that now this property is of the applicant. 6) That the applicant had earlier also given an application in this matter, regarding which statement of the applicant was never taken nor they were heard nor justice has been provided to them, due to which despite committing the act of fraud and cheating, the accused are openly roaming in the area. 7) That after arresting the above said accused persons, their strict interrogation is required to be conducted so that the applicant may get justice. The applicant has sufficient valid proof with him of his each and every say, which can be produced by him as and when required. Therefore, it is prayed before your goodself that the action may kindly be taken against the above said accused persons Gurinder Walia and Another, his wife Gurinder Pal, their son Chandanpal Singh Walia all residents of 73-J, Near Guru Nanak Public School, Ludhiana for committing the act of cheating, fraud with the applicant in collusion and conspiracy with each other and also for threatening the*

*applicant to eliminate him and justice be provided to the applicant.”*

3. **Contention**

**On behalf of the petitioners**

Learned counsel for the petitioners contends that there was no deceitful intention on the part of the petitioners as the complainant himself admitted the receipt of the amount to the tune of Rs.4,40,000/-, therefore, provisions of Section 420 IPC would not be attracted in the present case and the present FIR is nothing but an arm twist to extort money from the petitioner.

4. Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and submits that the allegations against the petitioners are grave and are of serious nature.

5. **Analysis & Decision**

Considering the fact that there is no deceitful intention on the part of the petitioners in the light of the fact that the complainant has categorically admitted that he received an amount of Rs.4,40,000/-, this Court deems it a fit case to grant the petitioners anticipatory bail. Moreover, in the present case, ingredients of Section 420 IPC are missing, as there is admission on the part of the complainant qua the receipt of the aforesaid amount.

Hence, the petitioners are directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners do 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**

**14.02.2025**

*Poonam Negi*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*