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

**CRM-M-7980-2025 (O&M)
Date of decision : 01.05.2025**

Mohit Desai @ Mohit Dinesh Kumar Desai ..Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. H.P.S. Sandhu, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

Mr. Sidhharth Gupta, Advocate for
Mr. Aarav Gupta, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.0007 dated 23.01.2025, under Section 420 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Civil Lines, District Bathinda.

(2) Allegations are that petitioner along with co-accused has cheated the *de facto* complainant to the tune of Rs.91,75,000/- for securing certificates of sponsorship letters for U.K. work visas.

(3) Short reply by way of affidavit dated 29.04.2025 of Saravjeet Singh Brar, PPS, Deputy Superintendent of Police, City-2 Bathinda on behalf of respondent, is taken on record. Copy thereof supplied to the opposite side. Registry to do the needful.



(4) Learned counsel contends that petitioner was granted interim bail by this Court, vide order dated 11.02.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(5) On the other hand, learned counsel for the complainant contends that petitioner duped the complainant to the tune of Rs.91,75,000/- and not refunded even a single penny to him till date.

(6) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioner is not required.

(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 11.02.2025 and the order reads as under:-

“Contends, inter alia, that primarily allegations are for non-refund of the money and it is not the duty of police to act as a recovery agent in such like cases.

Notice of motion.

Ms.Manjot Kaur, AAG, Punjab accepts notice on behalf of State and Mr.Siddharth Gupta, Advocate accepts notice on behalf of the complainant; both of them seek time to have instructions and/or to file written response in the matter.

Posted for 27.03.2025.

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



(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) The objection raised by learned counsel for complainant is not accepted for the reason that State is not asking for custodial interrogation of the petitioner.

(11) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 11.02.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the 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 also 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.

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

01.05.2025

d.gulati

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No