



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

CRM-M-8385-2025

Reserved on: 11th March, 2025

Pronounced on: 24th March, 2025

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pritpal Singh Miglani, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.
Mr. Prateek Sodhi, Advocate for the complainant.

MANISHA BATRA, J :-

The instant one is the second petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in case bearing FIR No. 130 dated 14.08.2024 registered under Sections 420, 448, 380 and 120-B of IPC at Police Station Division B, Amritsar. His previous petition bearing CRM-M-No. 53932-2024 had been dismissed, vide order dated 14.01.2025.

2. The petitioner along with the co-accused has been booked for commission of aforementioned offences, on the allegations that by hatching a conspiracy with the co-accused Kanti Devi, he induced the complainant to part with a sum of Rs. 27,00,000/- by assuring that he would let out his shop to the complainant on payment of rent at the rate of Rs. 4,000/- per month. The above said amount was received by way of advance/security/pagri. After payment of the above said amount, when the complainant went to take



possession of the shop, he was not allowed to do so. The relevant para of the order dated 14.01.2025 passed in the previous petition, which is relevant for the purpose, is reproduced as under:-

“6. The petitioner in connivance with the co-accused is alleged to have induced the complainant to part with a sum of Rs. 27,00,000/- on the pretext of giving a shop jointly owned by him, on rent to him on payment of monthly rent besides the aforementioned amount as Pagri/advance money and is further alleged to have made the complainant part with the aforementioned amount with a dishonest intention. As per the further allegations, after vacation of the shop by the co-accused Kanti, the petitioner did not hand over the possession of the above said shop to the complainant and rather broke open the lock of the same and committed theft of the property belonging to the complainant. There are specific and grave allegations against the petitioner. He might not have directly received any amount of money from the complainant but the allegations prima facie suggest his connivance in the commission of the aforementioned offences. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

3. It is argued by learned counsel for the petitioner that since the



date of dismissal of the previous petition, so filed by him, there is a substantive change in the circumstances, which has made the petitioner entitled to be extended benefit of pre-arrest bail. It is submitted that the co-accused Jagjit Kaur has settled the matter with the complainant and an amount of Rs. 5,00,000/- has been given by her to the complainant by executing a written compromise. A petition seeking quashing of FIR, on the basis of the said compromise has also been filed, which is pending. The arrest of the co-accused Kanti has also been stayed. The petitioner had not received any money from the complainant. All the transactions were between the complainant and co-accused Kanti and Jagjit Kaur, even as per the prosecution version. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent No.1-State. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for respondent No.2/complainant that there are serious allegations against the petitioner. His previous petition had been dismissed by making a detailed discussion. There is no such substantive or specious change in the circumstances which has made the petitioner entitle for grant of bail. His custodial interrogation is required for conducting thorough investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused Jagjit Kaur and Kanti and in pursuance thereof, an amount of Rs.



27,00,000/- was taken from the complainant by him on the representation that a shop jointly owned by him with co-accused Jagjit Kaur would be rented out to the complainant on payment of some monthly rent. After receipt of the aforementioned amount, the complainant was not given possession of the shop. The petitioner is seeking benefit of pre-arrest bail by submitting that now a compromise has been arrived at between the co-accused Jagjit Kaur and the complainant and the latter has received a sum of Rs. 5,00,000/- from her and has agreed to get the FIR quashed against her. A copy of this compromise has been placed on record as Annexure P-2. A perusal of the clause 2(a) of this compromise reveals that the complainant had specifically mentioned that she had no objection qua quashing of FIR in favour of Jagjit Kaur but not qua the present petitioner and the co-accused Kanti. In view of this fact, the petitioner cannot take any benefit of the compromise arrived at between the complainant and the co-accused. No other substantive or specious change in the circumstances from the date when his previous petition had been dismissed could be pointed out nor made out from the record. As such, in my considered opinion, no ground has been made out for allowing the petition. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th March, 2025

Parveen Sharma

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