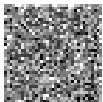


2025.PHHC.022384



105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8968-2025 (O&M)
DECIDED ON: 17.02.2025

SEFALI BISWAS ALIAS SAFALE BISWAS

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amanpreet Singh, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

Mr. Sandeep Kashyap, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

CRM-6683-2025

Application is allowed, as prayed for.

CRM-M-8968-2025

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.180, dated 19.10.2024, under Sections 406 and 420 of IPC, 1860, registered at Police Station Panjokhra, District Ambala (Annexure P-1).

2. Brief facts of the case as per the version in the FIR as under:-

“Brief facts of prosecution case are that the complainant Sahil Bansal made a complaint to the effect that he is having two firms Prodigy Goods and Palam Agro, Naraingarh Road, Barnala, District Ambala in which he is partner alongwith his wife and mother. The complainant is purchasing corn from Bihar and sell the same in Punjab, Haryana, UP & Bihar and he had given an advertisement through Indeed Website and Nitesh Kumar, present petitioner had applied for appointment and they had also taken online interview of Nitesh Kumar and they had kept Nitesh Kumar through appointment letter dated 16.04.2024 as Officer Procurement & Sales Grains at a monthly salary of Rs.27,000/-. Nitesh Kumar was looking after the business in Bihar and he introduced Shiv Shankar Galla Bhandar to him and stated to him that he had purchased 5 trucks of corn and further told that he has seen the quality of maize, which is in good condition and believing to Nitesh Kumar, the complainant got purchased 5 truck of maize but due to low quality of maize, his customers returned two truck of maize. Thereafter, the complainant asked Nitesh Kumar to search a good retailer. Thereafter, Nitesh Kumar introduced Ajay Kumar to the complainant being a big businessman and they assured to the complainant that they will provide good quality of maize to the complainant on a lesser price than the market. Nitesh Kumar further assured that Ajay Kumar is responsible person and will supply the consignment in time but the complainant has to pay advance payment. On 31.05.2024, the complainant made payment of Rs.7,62,000/- and Rs.7,46,680/- in the account of Maa Tara Enterprises of Ajay Kumar bearing Account No.20100027465575 and Ajay Kumar had supplied the consignment. Thereafter, the complainant asked Nitesh and Ajay to supply 7 trucks of maize but they demanded advance payment of 7 trucks and the complainant got deposited Rs.76,28,624/- in the account of Maa Tara Enterprises but the supply was not made. The complainant contacted Nitesh and Ajay through telephone and enquired reason for not reaching the

goods and then they stated that the same will be reached within 1 or 2 days but the same has not been received. Thereafter, the complainant contacted Ajay and he has stated that due to some problem in the account, he has lifted out the consignment at their known address and will return the amount of the complainant within 1 or 2 days but Nitesh and Ajay have not returned his amount and hence both of them have cheated him to the tune of Rs.76,28,784/-. Accordingly, the present FIR has been registered.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the dispute between the parties is civil in nature arising out of a contractual obligation, which has been given a colour of criminal liability. He further submits that no recovery is to be effected from the petitioner and undertakes before this Court that the petitioner is ready and willing to join the investigation as and when called by the Investigating Officer.

Notice of motion.

On behalf of the State/complainant

Learned State counsel assisted by learned counsel for the complainant prays for dismissal of the present petition stating that the petitioner has taken a false stand that he has returned the money, which has actually not been returned apart from that he could not put forth any incriminating material to connect the petitioner with the alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the case revolves

persons, whereby the documentary evidence is to be tested, which can be tested by the prosecution once the petitioner joins the investigation and provided the necessary documents/information to the Investigating Officer.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. He shall also co-operate with the investigation by providing all necessary record and material, which is required for the police for reaching to a logical conclusion. The petitioner 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 petitioner does 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

17.02.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>