



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10822-2025

DECIDED ON: 28.02.2025

RAMESH SINGH @ HARMESH SINGH MESHIPETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.68 dated 05.11.2024, under Sections 384, 386, 420, 34 IPC, registered at Police Station Fattu Dyinga, District Kapurthala.

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

“Complaint No.387937 dated 20.07.2024. To, The SSP, Kapurthala. Sir, It is submitted that I, Amandeep Kaur wife of Manjit Singh, am resident of village Fattu Dyinga, Police Station Fattu Dyinga, District Kapurthala. On 09.07.2024, I was present at home along with my family. At about 8 PM, Shinder Kaur wife of Minder Singh, resident of Haji Betwan Panjeka, District Ferozepur with whom I was already known to her. She along with Pali and Harmesh resident of Guru Har Sahai District Ferozepur came at our house. Minder Kaur and Harmesh entered in our house and told us that someone had dumped money beneath your house. If you did not solve it then either your father or children would be killed.

I suddenly became perplexed on hearing this and came in their trap and told the Baba that get us out of this difficulty. Baba Harmesh gave me the resolution of this with Kasturi 11 tolas. I became perplexed and came in the trap of Baba Harmesh. Baba Harmesh by conspiring with Shinder Kaur and Pali lighten up the lamps (diya) and started performing worship (pooja) in our house. Baba Harmesh asked me to send both my children to my in-laws house that being under the protection of a snake can have a negative impact on children. We are afraid that the children will be sent to their grandmother's house. On 10.07.2024 at 1 AM, Baba Harmesh told me and my husband that you put the Laddu on the crossroad of village Shatola and did not see it back and return back to the house. At 1:30 AM, we had come back home and at 2:30 AM, Baba Harmesh and Shinder Kaur and Pali performed the Pooja and they show the articles like gold snake and gold biscuit that all these articles have been drawn from your house. We became more scared and we thought that they are telling true. Later, they stay at our home at night and in the morning time at 7:30 AM, they took Rs. 3,50,000/- cash against Kasturi from us while leaving our house. On 12.07.2024, Shinder Kaur and Pali again came to our house in the evening and told me that the musk has become fake, you have to give money again so that I can bring musk (Kasturi) again and I can remove the serpent's guard from your house and can make you well. I again became scared and gave Rs.3,50,000/- cash after discussing with my husband. When we called on 14.07.2024 that Baba Ji when you will come then Baba Harmesh replied that I am coming. Then Pali send recording to us that Baba has been caught and we got suspicious that we fell in false trap. Then we inquired on our own level and came to know that Baba Harmesh and Pali is husband and wife. Cheating has been done with me and my family, I am very much worried. The money which I have given to Baba Harmesh, the whole proof of which is with me.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is an inordinate delay of more than 4 months in lodging the instant FIR as the alleged occurrence took place on 30.06.2024 whereas the instant FIR was got registered on 05.11.2024. He further contends that the dispute in question is civil in nature but has given a colour of criminal liability. It has been contended on behalf of the petitioner that his co-accused Palo Rani has already been granted the concession of anticipatory bail by this Court vide order dated 21.02.2025 (Annexure P-4) passed in CRM-M-10363-2025.

It has been further submitted that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State, who along with Mr. Fatehjeet Singh, Advocate, who has put in appearance on behalf of the complainant, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender as he is involved in 17 other FIRs and has no parity with the co-accused Palo Rani, who has already been granted the concession of anticipatory bail by this Court vide order dated 21.02.2025 (Annexure P-5) passed in CRM-M-10363-2025.

4. **Analysis**

Be that as it may, the arguments of the complainant as well as the State do not hold good in the mind of this Court for the reason that there

is no denial of the fact that there is an unexplained delay of more than 04 months in lodging the instant FIR and even the State counsel has failed to make out a case for custodial interrogation of the petitioner at this stage.

And, also considering the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned and also considering the fact that co-accused Palo Rani has already been granted the concession of anticipatory bail by this Court vide order dated 21.02.2025 (Annexure P-4) passed in CRM-M-10363-2025.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the judgment of this Court rendered in CRM-M-25914-2022 titled as “***Baljinder Singh alias Rock vs. State of Punjab***” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction as this Court is convinced that no

fruitful purpose would be served by sending the petitioner behind the bars.

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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

28.02.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No