



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

CRM-M-12913-2025

Date of Decision:07.03.2025

BHUVAN

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS for grant of anticipatory bail to the petitioner in FIR No 35 Dated 06.04.2024 under Section 420/34 IPC registered at Police Haryana, Hoshiarpur.

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

In reference to application No. 10882-P.D. dated 29.12.2023, U.J.D. No. 282679. To, Hon'ble Hoshiarpur. S.S.P.. Subject: Application against (1) Baban Diwan, Mob. 8146740533, resident of New Sabji Mandi, Hoshiarpur, 8556030544, Gupta, (3) 7717290248, Hoshiarpur, 9814049349, resident of (2) son Amit Gupta, Mob. of Sh. Ravinder Kumar Ravinder Gupta, resident (4) son Paramjit of Village Sh. of Mobile No. Garmandi, Singh, Ranjit Katian, Mob. Singh, District Hoshiarpur, regarding taking necessary legal action against cheating fraud, and manipulation in the potato crop trade and getting justice by getting the money earned from potatoes. Sir, It is requested regarding above mentioned subject that



I, Punjab Singh son of Sh. Joginder Singh, am resident of Village Neela Naloo, Police Station Haryana, Tehsil and District Hoshiarpur and state that (1) That said Paramjit Singh, who was a broker of potato crop, brought the said Boban Diwan and Amit Gupta to my fields in December, 2023 and said that they are traders of potato crop. Then Boban Diwan and Amit Gupta said that we have been doing business of potato crop for a long time, then they gave advance for the potato crop and then took away the crop by loading it in vehicles money and did not pay the remaining for the potato crop and kept on making excuses on making repeated calls by me and now they have even stopped contacting me on phone. After this, when I contacted the said Ravinder Gupta, father of Amit Gupta, he gave me Rs. 50000/ and said that whatever money is left, Rs. 2 lakh 2 thousand 157, he will give it in a few days after consulting with his son Amit Gupta. But they did not give me the money as promised. From which it is evident that the said culprits have cheated me by committing cheating, fraud and forgery with intention of usurping the money the for my potato crop which is still due. Therefore kindly keeping the above mentioned facts in mind, the matter entire investigated impartially and should be appropriate legal action should be taken against the said culprits for cheating, fraud and forgery and do justice with me by getting us the balance money of our potato crop. Thanking you. Yours faithfully, sd/ Punjab Singh, son of Sh. Joginder Singh, resident of Village Neela Naloo, Police Station Haryana, Tehsil and District Hoshiarpur. Mobile No. 9463473473 dated 18.12.2023. Today in Police Station: On receipt of application No. 10882-P.D. dated 29.12.2023 U.I.D. No. 282679, 10081-P.D. dated 29-12-2023, 06-P.D. dated 1-1-2024, 15-P.D. dated 1-1-2024, 1377-PD dated 2-3-2024 of Punjab Singh son of Sh. Joginder Singh, resident of Village Neela Naloo, Police Station Haryana, Tehsil and District Hoshiarpur and some other persons against (1) Baban Diwan, Mob. 8146740533, resident of New Sabji Mandi, Hoshiarpur, (2) Amit Gupta, Mob. 8556030544,



son of Sh. Ravinder Kumar Gupta, (3) Ravinder Gupta, Mobile No. 7717290248, resident of Garmandi, Hoshiarpur, (4) Paramjit Singh, Mob. 9814049349, son of Sh. Ranjit Singh, resident of Village Katian, District Hoshiarpur, regarding taking necessary legal action against fraud, cheating and manipulation in the potato crop trade and getting justice by getting the money earned from potatoes, alongwith inquiry report through post, received at Police station. The inquiry of the application was done by Sh. Narinder Singh, PPS, Deputy Superintendent of Police, Rural, Hoshiarpur, who has written in his conclusion report that during the investigation, statements of different persons were recorded by the Station House Officer, Police Station Hariana, which are enclosed with report for perusal. From the secret and open investigation done so far by the Station House Officer, Police Station Harirana, and the statements of witnesses and the evidences presented by the applicant party, it has come to light that Amit Gupta son of Ravinder Gupta, resident of Gundi, Hoshiarpur, who according to the statements of the witnesses was the accountant of Bobban Diwan, son of Pllavi Diwan, resident of Gali No. 1, Ward No. 15, Sarup Nagar, Hoshiarpur, who works as a commission agent with Bobban Diwan, Hoshiarpur, has been purchasing potatoes from Bobban Diwan in Hariana area in the past, due to which Amit Kumar had become quite well known in the Hoshiarpur district and in the month of December, 2023, Amit Kumar purchased the potato crop from the farmers, the amount due for which was not given to the farmers by Amit Kumar and Amit Kumar, Ravinder Kumar and Bobban Diwan were got noted down through mobile phone to appear at the police station in connection with the above applications. But the said person did not appear getting at it the police station noted even down repeatedly after for investigation of the applications. Amit Kumar had given cheques to the farmers after purchasing the crop, which were bounced and he has been deceiving the farmers by giving them small amounts



out of the amount due to them. The applicants have written in their statements that Bobban Deiwan, son of Pallavi Diwan, resident of Gali No. 1, Ward no. 15, Sarup Nagar, Hoshiarpur, Amit Gupta son of Ravinder Gupt, resident of Gur Mandi, Hoshiarpur, Ravinder Gupta, resident of Gurmandi, Hoshiarpur, Paramjeet Singh @ Borminder Singh @ Pamma son of Ranjit Singh, resident of Kantian, Police Station Haryana, District Hoshiarpur. had personally visited their fields and purchased potatoes from the farmers. Bobban Deiwan. son of Pallavi Diwan, resident of Gali No. 1, Ward no. 15, Sarup Nagar, Hoshiarpur, Amit Gupta son of Ravinder Gupt, resident of Gur Mandi, Hoshiarpur, Ravinder Gupta, resident of Gurmandi, Hoshiarpur, Paramjeet Singh @ Parminder Singh @ Pamma son of Ranjit Singh, resident of Kantian, Police Station Haryana, District Hoshiarpur, together deceived the farmers and purchased their potatoes but did not pay them the money. On which the Officer, House Station Police Station Harianahas recommended filing case against Bobban Deiwan, son of Pallavi Diwan, resident of Gali No. 1, Ward no. 15, Sarup Nagar, Hoshiarpur, Amit Gupta son of Ravinder Gupt, resident of Hoshiarpur, Ravinder Gupta, Gur Mandi, resident of Gurmandi, Hoshiarpur, under Sections 420, 34 IPC and if during the investigation any involvement of Paramjeet Singh @ Parminder Singh @ Pamma son of Ranjit Singh, resident of Kantian, Police Station Haryana, District Rosharpur is found then appropriate action will be taken against him also. Prom the statements of witnesses obtained by Station House Officer, Police Haryana, during the investigation the Station and the evidences presented by the applicant party, it has come to light that Bobban Diwan, son of Pallavi Diwan, resident of Gali No. 1, Ward no. 15, Sarup Nagar, Hoshiarpur, Amit Gupta son of Ravinder Gupt, resident of Gur Mandi, Hoshiarpur, Ravinder Gupta, resident of Gurmandi, Hoshiarpur, together deceived the farmers and purchased their potatoes and did not pay them their money. Therefore, if it is



accepted, then a prima facie case should be filed against Bobban Deiwan, son of Pallavi Diwan, resident of Gali No. 1, Ward no. 15, Sarup Nagar, Hoshiarpur, Amit Gupta son of Ravinder Gupt, resident of Gur Mandi, Hoshiarpur, Ravinder Gupta, resident of Gurmandi, Hoshiarpur, under Sections 420, 34 in Police Station Haryana and if during the investigation any evidence is found in the file against Paramjeet Singh @ Parminder Singh @ Pamma son of Ranjit Singh, resident of Kantian, Police Station Haryana, District Hoshiarpur then he should also be named in the case should be given to and an initiate order the investigation. On which the Hon'ble SSP has written in his office order 1810-PC dated 4-4-2024, SHO Haryana investigate". On which to a register case case has been registered against the said culprits under Section 420/34 IPC and the copy of FIR along with the original application and the enquiry report is being handed over to ASI Gurbachan Singh 1030/HPR for investigation. Senior Officers and room are being informed through further control e-mail. Compliance report No. 24 dated 6-4-24"

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present FIR as he has no financial dealings with the complainant. He further submits that co-accused Amit Gupta and Ravinder Gupta, who have financial dealings with the complainant and had paid a sum of Rs.50,000/- to him, have been granted the anticipatory bail. He further submits that petitioner is a driver by profession and had nothing to do with the present FIR.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer, vehemently opposes prayer for



grant of concession of anticipatory bail stating that allegations of duping the farmers have been levelled against the petitioner, therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the effect that petitioner has no financial dealings with the complainant and, co-accused namely Amit Gupta and Ravinder Gupta have already been granted the concession of anticipatory bail, the petition is nominated in the instant FIR only on the basis of bald allegations made against him moreover, the State Counsel is unable to produce any incriminating material against him, hence, this Court finds no cogent reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

In the light of above, the petitioner is hereby 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. 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 one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.03.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No