



CRM-M-16510-2025

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16510-2025
Date of Decision: 26.03.2025

Karam Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ajay Kumar, Advocate
for the petitioner.

Mr. Gurpartap S. Bhullar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
25	22.02.2025	Jandiala, Amritsar Rural	420, 406 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“To, the Commissioner of Police, Amritsar, Subject:-Complaint against-Karam Singh son of Angrej Singh resident of House No.5576, Verowal Road, Valmiki Chowk, Amarnath Colony, Amritsar, for registration of FIR U/S 295, 406, 420, 500, 504, 506 of IPC against the above said accused for abusing, committing criminal breach of trust, cheating, defaming, causing intentional intimidation, insult, criminal physically and mentally harassing the complainant, Revered Sir, it is most respectfully submitted as under:-1. That the complainant namely Manpreet Kaur wife of Balraj Singh is the permanent resident of 5246, Juzar Singh Nagar, Verowal Road, Jandiala Guru, Amritsar. She is law abiding citizen. Her husband namely Balraj Singh is sole bread earner for his whole family and whole family of the depends upon him. The husband complainant is the owner of a 1-10 Grand car bearing No. PB 17-C-5693 of the Hyundai Company. 2. That the accused namely Karam



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Singh son of Angrej Singh is the permanent resident of the House No.5576, Verowal Road, Valmiki Chowk, Amarnath Colony, Amritsar. The accused was having friendly relations with the husband of the complainant and he used to visit at the In the month of house of the complainant. January, 2023 the above said accused visited at the house of the complainant and requested her husband to handover his i-10 Grand car bearing No.PB 17-C-5693 of the Hyundai Company to him for personal use for few days. As the husband of the complainant was having good relation with the above said accused he handed over the keys of his above said car accused in the presence of the complainant. Thereafter on 28.02.2023 the husband of the complainant went to abroad and after that he requested to the accused many times to return the above said car to him but the accused was dilly-delaying the matter and now it has come LO the sale the notice of the complainant and her husband that the above said accused has sold their car to some unknown person without the consent of the complainant and her husband and has dishonestly misappropriated consideration and has committed the criminal breach of trust. It is pertinent to mention over here that one blank cheque book of the complainant pertaining to the bank of India having branch at Jandiala Guru bearing leaf Numbers 010251, 010252, 010253, 010254 etc as well as one cheque book of her husband namely Balraj Singh pertaining to HDFC Bank having branch of Jandiala Guru bearing leaf Numbers 000026, 000027, 000028, 000029 etc were lying inside the above said car. 3. That after few months when the complainant husband tried to contact with the above said accused he used to abuse, intimidate, harass and defame to the complainant as well as to her husband. The accused is guilty of committing criminal breach of trust, cheating, defaming, causing intentional insult, intimidation, mentally and criminal physically harassing the complainant as well as to her husband. It is, therefore, prayed that a FIR under sections 295, 406, 420, 500, 504, 506 of the IPC against the above said accused for abusing, committing criminal breach of trust, cheating, defaming, causing intentional insult, criminal intimidation, mentally and physically harassing the complainant may kindly be registered at the earlier for providing justice to the complainant."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that the question of stolen cheque does not arise as litigation qua the said cheque is already pending before the Court.

5. The State's counsel opposes bail.

6. Allegations against the petitioner are that he had sold the car belonging to the complainant's husband which he had taken for personal use to some unknown person and mis-appropriated the sale consideration and had also forged the signatures of complainant as well as her husband on the cheques taken out of cheque book kept in the car.



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7. Given the nature of allegations, custodial interrogation is not necessary. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.



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13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.