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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16762-2025

Date of decision: 25.04.2025

Sunil Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Mehak Bedi, Advocate for
Mr. Angad Parmar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [erstwhile Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] seeking anticipatory bail in FIR No.12 dated 06.02.2020 under Sections 420 & 406 of the Indian Penal Code, 1860, registered at Police Station Division No.4, District Jalandhar

On 26.03.2025, the following order was passed:-

'Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [erstwhile Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] seeking anticipatory bail in FIR No.12 dated 06.02.2020 under Sections 420 & 406 of the Indian Penal Code, 1860, registered at Police Station Division No.4, District Jalandhar.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. As per the case set up by the prosecution, the petitioner was working as Accountant on a monthly salary of Rs.15,000/- with the complainant and he committed the criminal breach of trust and cheated him of Rs.1.00 lakh, by falsifying the account. Further, a compromise was effected and the complainant took his five salaries and security amount of Rs.54,000/- and Rs.70,000/- by way of demand draft from the petitioner and his signatures on the compromise were taken under pressure by the jurisdictional police authorities, as the complainant is influential person.

Notice of motion for 25.04.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014)***



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8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law. '

Learned State counsel on instructions from SI Ajmer Lal, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 26.03.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

25.04.2025

Neha

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