

2025:PHHC:042908



107 (1st case)

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

**CRM-M No.16792 of 2025 (O&M)
Date of Decision: 27.03.2025**

Atul Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Achin Gupta, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab for the respondent.

Mr. Abhishek Goyal & Mr. B.S.Sewak, Advocates
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail to the petitioner in FIR
No.20 dated 07.03.2025 (P-1), under Sections 420 & 120-B of the Indian
Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Maur, District
Bathinda.

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(2) Above FIR was registered by *de facto* complainant-Rajesh Kumar Singla with the allegations that petitioner, along with other accused, cheated him to the tune of ₹ 17,25,000/- on the pretext of sending abroad.

(3) Contends that petitioner has been falsely implicated in the present case. Also contends that petitioner is not running any Immigration Business; nor any money was received by him from the *de facto* complainant. Further contends that even a Legal Notice was served regarding the alleged transactions; thus, present FIR has been registered with *mala fide* intention just to put pressure and to recover the money, which was paid by the complainant to co-accused Puneet Bansal. Again contends that petitioner is ready to join the investigation; but he be protected.

(4) *Per contra*, learned State Counsel as well as learned Counsel for the complainant vehemently opposed the prayer on the premise that there are various entries, which clearly indicate that alleged amount was transmitted in the account of petitioner and/or his wife; thus, his complicity is apparent. Also submits that even some of the money was returned by the petitioner to complainant through bank transactions/UPI.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) After going through the allegations in the FIR, *prima facie*, it is discernible that petitioner received ₹ 8 Lakh from the *de facto* complainant on different occasions, which was transferred to the bank account of his Firm in the name and style of Ganpati Foams, Kikar Bazar, Bathinda and even

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Avinash Kaur wife of co-accused Tinku also received ₹ 9,25,000/- on his (Tinku’s) behalf through bank account. Apart that, the factum of Legal Notice has been completely denied by learned Counsel for the complainant and moreover, this would be a matter to be decided during trial. Thus, keeping in view the facts and circumstances of the case, this Court deems it appropriate that custodial interrogation of the petitioner is very much necessary to unearth the truth.

- (7) Consequently, there is no option except to dismiss the petition.
- (8) Ordered accordingly.
- (9) The above observations be not construed as an expression of opinion on merits of the case.

Pending application(s), if any, shall also stand disposed off.

27th March, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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