231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17086-2025
Date of Decision: 07.05.2025

Amit Jani ...Petitioner

Versus

State of Haryana and another …Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Aashish Bishnoi, D.A.G., Haryana.

Mr. Yashveer Kharb, Advocate
for respondent No.2.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	03.03.2023	Quilla Panipat, District Panipat	406, 420 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. Per paragraph 28 of the bail petition and para 3(E) of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	342	12.10.2022	406, 420, 467, 468, 471, 323, 504, 506, 120-B IPC	Barhmapuri, Meerut
2.	508	12.12.2021	406, 420, 506 IPC	Barhampuri, Meerut
3.	985	06.12.2018	174-A IPC, 120-B IPC	Barhampuri, Meerut
4.	484	24.12.2020	147, 188, 269, 270 IPC	Jani, Meerut
5.	03	03.01.2022	188, 269, 270, 336 IPC	Jani, Meerut
6.	121/2010	-	147, 148, 307, 427, 486, 504, 506 IPC	Lal Kurti, Meerut
7.	68/2012	-	332, 323, 188 IPC	T.P. Nagar, Meerut

8.	215/2013	-	498-A, 332, 504, 506 IPC and DV Act	Women, Meerut
9.	1064/2017	-	153, 295-A IPC, 66 IT Act	Taj Ganj, Agra
10.	297/2017	-	153-B(1) IPC	Partap Pur, Meerut
11.	101/2011	-	395, 328, 412 IPC	Didoli, Amaroha

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

> *"Copy of application attached. To Anil Vij, Honorable Home Minister, Government of Haryana, Chandigarh. Subject: Application for taking Legal action against Amit Jani 5/o Lakhmi Chand Aggarwal Proprietor of Jani Industries, Plot no. A-41, Sector-62, Gautam Budh Nagar, Noida, Uttar Pradesh (M. No. 9760000004) Sir, requested that 1, Imran s/o Abdul Rehman, Proprietor Imran Handloom Head Office located at 2885, Maiji Colony, Devi Mandir Road, Panipat and Shop No. 111, Ward No.4, Hanuman Mandir, Jain Mohalla, District Panipat. My firm does the work of selling handloom products, blankets etc. and my GST No.06AUWPA0142K2ZN. In the last week of December 2021, the above accused Amit Jani came to me and told that he is the proprietor of Jani Industries and he also has a branch in Meerut. He said that he wants to buy the goods from me and assured me that he will make my payment within one month of delivery. I believed in his words and agreed to send the goods as per his order. After which I on dated 01.01.2022 as per his order vide bill no. 7 Dated 01.01.2022 Rs.10,30,575/-, Bill No. 7 Dated 01.01.2022 Rs.11,53,425/-, Bill No. 9 dated 02.01.2022 Rs. 10,92,000/-, Bill No. 10 dated 02.01.2022 Rs.10,92,000/-, Bill No. 11 dated 02.01.2022 Rs. 10,92,000/-, i.e. total goods worth Rs.5460000/- were sent to his firm located in Meerut as per asking of the accused. The accused assured that he would soon pay the said amount. The accused also gave me the receipt of the goods sent by me, a copy of which is attached herewith and the e-way bill of the above said goods is also attached. That thereafter, to clear his payment/discharge his liability, the accused had issued a check of his firm's account No. 926431 Rs.53,60,000/- dated 20.01.2022 and said that I will get the remaining one lakh rupees transferred to the bank in a few days, while the accused has not given even a single till date. I talked to the accused before depositing the sald cheque in my account then accused said that there is a shortage of money and whenever the money comes he will inform and you can present the cheque. After this I talked to the accused several times but he kept evading me every time and finally he asked me to deposit the cheque. According to the accused, I deposited the said cheque in my account on 24.03.2022, but the said check bounced on 25.03.2022 and when I talked to the accused about this, the accused accepted his mistake and said that he would make my payment within 10 days. After that, the accused told me to deposit the check again and it will be cashed, but when I deposited the check again in my account on 04.04.2022 and it bounced on 05.04.2022. After which I contacted the accused again and demanded my money, then the accused started evading me at first, but in the end I told him that if I do not want to pay, then return my goods. He told me that I have sold your goods and all the money has been embezzled. In this regard, the applicant had given application in Police Station Quilla*

Panipat vide receipt No.35020 dated 23.05.2022 against the accused upon which no action has been taken till date. Thereafter the application was given on 20.10.2022 1.G. Karnal Range, Karnal upon which also till date no action has been taken. That the applicant has also come to know that the said accused is a criminal type person against whom several cases have already been registered. FIR No.0003 dated 03.01.2022 under Sections 188/269/270/336 I.P.C. and Section 51, 52, 53 under Disaster Management Act and Section 3 of Epidemic Act, Police Station Jani District Meerut and FIR No. 342 dated 12.10.2022 under Section 406, 420, 467, 468, 471, 323, 504, 506, 120-B Police Station Brahampuri District Meerut. Copy of which is attached. Apart from this, the accused is not appearing in the complaint filed by the applicant in the Panipat Court under section 138 of N.1., due to which non-bailable warrants have been issued against the accused in this complaint and next date of above complaint Is dated 13.03.2023 and a copy of the warrant is enclosed. That the above said accused openly stated that he will not give my amount and my intention from the very beginning was to cheat you and grab your goods and that is why I gave you a cheque to win your trust which I knew from day one that said check will not encashed and now if you take any action against me or demand money from me again, I will implicate you in a false case or get you killed because I am known to miscreants from Uttar Pradesh. Due to this reason I have danger of my life and property from the above accused and the accused cheated me with the intention of benefiting himself under a well thought out conspiracy. He has embezzled my goods worth lakhs of rupees by forgery and cheating and is now threatening to kill me and implicate me in false cases. Therefore, you are requested to register a case against the above accused and take the strictest legal action and protect my and my family's life and property from the accused and get my money or my goods back from the accused. I shall be highly obliged. Date- 04/02/2023 Applicant SD Imran Imran S/o Abdul Rehman, Proprietor Imran Handloom House no. 111, Ward No.4, Hanuman Mandir, Jain Mohalla, District Panipat. Mo. No. 9416389636".

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. Counsel for the petitioner submits that the first petition for anticipatory bail was dismissed for not complying with the terms of settlement made between the parties and now the petitioner is voluntarily complying with the same, as such second bail petition is maintainable.

5. The State's as well as counsel for the complainant oppose bail and has referred to status report.

6. It would be appropriate to refer to the following portion of status report which reads as follows:

"(C) Role of the petitioner:-

That the role of the petitioner is that he purchased blankets worth Rs. 54,60,000/- from the complainant and issued a cheque no. 926431 *worth Rs.53,60,000/- in favour of the complainant in this regard. However, the said cheque got dishonored because of insufficient funds when applied on 24.03.2022 by the complainant in his bank account. Thereafter, the petitioner promised to arrange funds within 10 days and requested the complainant to apply it again in his bank account after 10 days. Thereafter the complainant again applied it in his bank account on 04.04.2022 but it again got dishonored. Hence, in this way, the petitioner duped goods worth Rs. 54,60,000/- of the complainant and intentionally issued the cheque even though he did not have the financial capacity to buy the goods and to pay for its value."*

7. Allegation against the petitioner is that he has duped the complainant of Rs.54,60,000/-.

8. Counsel for the petitioner submits that an amount of Rs.26,50,000/- has already been paid to the complainant. Counsel for the complainant submits that an amount of Rs.28,50,000/- is pending and interest is also payable on entire amount. To this, counsel for the petitioner submits that the petitioner undertakes to comply with the terms of the previous settlement.

9. The incident relates to year 2023 but the Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. Since, there is settlement between the parties and petitioner undertakes to return the whole alleged amount, as such petitioner is entitled to bail. 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.

10. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations, petitioner has already returned Rs.28,50,000/- to complainant 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.

11. 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.

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

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

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

14. *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.

15. ***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.***

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

07.05.2025
Jyoti Sharma
Whether speaking/reasoned: Yes
Whether reportable: No.