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

**CRM-M-17234-2025
DECIDED ON: 28.03.2025**

LOVNISH GARG

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Ahluwalia, Advocatewith
Ms. Saumya Ahluwalia, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

Mr. Janak Singh Bhinder, Advocate
for the complainant.

<u>SANDEEP MOUDGIL, J (ORAL)</u>

1. <u>Prayer</u>

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.40, dated 30.01.2025, under Sections 406 & 420 of IPC, registered at Police Station Tripri, Patiala.

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

> *"At present an application No. 10460/Peshi dated 08.11.2024 (UID No. 466935) from Sampuran Singh S/o Diyal Singh R/o H.No. 76, Phulkian Enclave, Patiala, age around 55 years, mobile No. 98152-36273 has been received through Hon'ble Senior Superintendent of Police, Patiala for*

*registration of case at the Police Station for offence U/s 406, 420 IPC against Charandeep Kaur W/o Jatinder Singh R/o Plot No. 25, Gali No. 13, Darshan Singh Nagar, Patiala and Lovnish Garg S/o Jeewan Kumar R/o Mahaveer Park, Jaito, District Faridkot presently R/o Flat No. 402-A, Gokul Tower, Patiala, the contents of which are, "To, The Hon'ble SSP Sahib, Patiala, Subject: - Application for taking action against Lovnish Kumar, Senior Sales Officer, Yes Bank, Branch DLF Colony, Patiala presently HDFC Bank, Branch DLF Colony, Patiala, mobile No. 92166-00999 for defrauding us by withdrawing Rs. 77,75,975/- through transactions from mine (Sampuran Singh) and my wife Manjinder Kaur and my son Harmeen Preet Singh Virk's bank accounts. Sir, it is submitted that I, Sampuran Singh S/o S. Diyal Singh is resident of H. No. 76, Phulkian Enclave, Patiala and states as follows with regard to the abovementioned subject that: - 1) That my account No. 99163400000311, 99153100000721, 99152200000037, 9915310002386, 99163400000557, 99152200000037 and Sarpanch Filling Station's account No. 99163400001602 and my wife Manjinder Kaur's account No. 99152500000924, and my son Harmanpreet Singh Virk's account No. 99163400000361, 99153100000179 and account No. 99163400000996 in the name of Virk Finance Company are there in Yes Bank, Branch DLF Colony, Patiala. Where aforesaid Lovlish Kumar was posted as Senior Sales Officer. Our work was done by aforesaid Lovlish Kumar only. We had full belief upon him. My cheque books used to be with aforesaid Lovlish Kumar only and several times he had been calling for them from home too. He has done cheating with me by misusing the cheques. He had been submitting my cheque in some other account and had been misusing it. Several times I had not been receiving message of bank account too. Due to which I had not been coming to know. * Several times he had been taking phone from me and had been saying that your account is to be checked. On which, due to not knowing about online transfer to me, he had been transferring the amount from mobile. I didn't even come to know. 2) That aforesaid Lovnish Kumar had withdrawn Rs. 23,12,042/- from my account No. 99163400000311 on different dates. In it there is one entry of Rs. 61,300/- on 01.12.2023, which has been done of Max Life Insurance, the money had got deducted from our account and insurance is of Axis Bank, Branch DLF Colony, Patiala 5001 Harman, whose statement is enclosed. 3) That out of my second account No. 99153100000721 Rs. 6,00,000/- had been withdrawn on different dates, whose statement is enclosed. 4) That out of my third account No. 9915310002386 Rs. 1,20,000/- had been withdrawn on different dates, whose statement is enclosed. 5) That out of my fourth account No. 99163400000557, Rs. 10,31,543/-had been withdrawn on different dates, out of it one entry of Rs. 80,000/- have been deducted on 15/09/2022 of Max Life Insurance Company, whereas this insurance is not in my name. 6) That out of my fifth account No. 99152200000037, Rs. 5,04,444/-have been withdrawn on different dates, whose statement is enclosed. 7) That out of account No. 99163400001502 in the name of Sarpanch Filling Station, Rs. 10,07,521/- have been withdrawn through mobile on different dates. 8) That out of account No. 99152500000924 in the name of my wife Manjinder Kaur, Rs. 92,500/- have been transferred through mobile on different dates. The statement is enclosed. 9) That out of account No. 99163400000361 in the name of my son Harmanpreet Singh Virk, Rs. 1,50,000/- have been bank transferred on different dates, whose statement is enclosed. 10) That out of account No. 99163400000996 in the* *name of Virk Finance Company, Rs. 2,05,000/- had been transferred on different dates. In them there are several such entries when I had gone to Canada, at that time the money had been withdrawn. The statement is enclosed. 11) That out of account No. 99153100000179 in the name of my son Harmanpreet Singh Virk, Rs. 17,53,925/- have been bank transferred on different dates. In this one entry of Max Life Insurance is of amount Rs. 1,02,410/-, which is not of my son Harmanpreet Singh Virk. It is of someone else. The amount has been withdrawn from my son's account. Their statement is enclosed. 12) That after doing all the misappropriation he had changed his bank. When I had met him then he had lingered me on. A high level enquiry may be got conducted in this regard. 13) That aforesaid Lovlish Kumar had said to me that we will call for swipe machines and had said that you will not be charged any rent. Whereas at that time I did not had any contract. He had called for 20 machines, whose rent had been getting deducted from my account for more than around 2 years. I had not used those machines anywhere. The aforesaid Lovlish Kumar has done 420 with me. Whatever rent is made out, it may be got recovered after doing enquiry. Legal action may please be taken against aforesaid Lovlish Kumar, Senior Sales Officer, Yes Bank, Branch DLF Colony, Patiala presently HDFC Bank, Branch DLF Colony, Patiala, Mobile No. 92166-00999 and case of cheating and 420 may be registered against him and he may be summoned and our amount may be got recovered and we may be given justice. Thanking you, Yours faithfully, Sd/- Sampuran Singh S/o S. Diyal Singh R/o H. No. 76, Phulkian Enclave, Patiala, Mobile No. 98152-36273, Date: 05/11/2024." That the Hon'ble Senior Superintendent of Police, Patiala had marked this application for enquiry to the DSP, Traffic, Patiala. On which the DSP, Traffic, Patiala's enquiry report No. 183/C DSP/Traffic/Patiala dated 20.01.2025 was received, whose contents are, "Sir, it is submitted that the enclosed application No. 10460/Peshi dated 08.11.2024 from Sampuran Singh against Lovnish Garg S/o Jeewan Kumar R/o Flat No. 402-A, Gokul Tower, Patiala regarding doing cheating with the applicant and his family members by doing financial transactions from the bank accounts of the applicant and his family members had been received for enquiry. I had issued summons to both the parties for joining the enquiry of the application. That both parties had joined the enquiry of the application, who were heard and statements were written, which are enclosed with the report. From my secret and declared enquiry, documents presented and on perusal of the statements it has been found that the applicant has private business, who had taken the liquor contracts in Patiala from the year 2021 to the year 2023 and who have a petrol pump too. Charandeep Kaur W/o Jatinder Singh R/o Plot No. 25, Gali No. 13, Darshan Singh Nagar, P.S. Anaj Mandi, Patiala, who was posted in Axis Bank, Branch Urban Estate, Patiala. The applicant's account was opened in Axis Bank, Branch DLF Colony, where had become known to aforesaid Charandeep Kaur and Charandeep Kaur had got done Max Life Policy of the applicant of Rs. 60,000/- and his son Harmanpreet Singh of Rs. 50,000/-. After this aforesaid Charandeep Kaur had left the job from Axis Bank and had got posted as Deputy Sales Manager in Yes Bank, Branch DLF Colony, Patiala, who, for opening maximum accounts in the bank and for completing the targets obtained, had said to the application that you have a very big business due to which you have to visit the bank for transfer of money/depositing cash/withdrawing, in which a lot of time gets exhausted. If you get opened account in Yes Bank then your bank related* *work can be done without any problem, you will not face any problem. Believing upon whom the applicant had got opened his account No. 099152200000037 in the Yes Bank. After this the Sales Manager Lovnish Garg and his assistant Charandeep Kaur had said that you get open accounts of your firms and family also in this bank so that you don't have to face any problem and you may be saved from tax too by transferring your payment in your other bank accounts. Believing upon their talks, the applicant had responded in affirmation, who had got opened in Yes Bank the applicant's accounts No. 99163400000557, 99153100000721, 99163400000311, 9915310002386, and account No. 099163400001602 in the name of his firm Sarpanch Filling Station, account No. 099163400000996 in the name of Virk Finance Company, account No. 099153100000179 in the name of son Harmanpreet Singh and account No. 099163400000361, account No. 099152500000924 in the name of wife Manjinder Kaur and account No. 099152499999389 were got opened. After opening the accounts, Lovnish Garg and Charandeep Kaur had been often visiting the applicant's house and all work of their bank depositing money/transferring were done by both of them only, who had made their full trust on the applicant, who had been getting signed few empty cheques too from the applicant and had been taking them along so that money can be got deposited/withdrawn. When the applicant had been going to Yes Bank, Branch DLF Colony, Patiala for depositing cash/transferring then along with him, his driver Ranjit Singh S/o Jagir Singh R/o H. No. 76, Gali No. 30-B, Anand Nagar-B, Patiala and Nirbhai Singh S/o Gurdeep Singh R/o Village Mohammadpur Rasaldar Chhana, District Sangrur had also been going along to the bank, who were personally known to the applicant. Lovnish Garg and Charandeep Kaur had been making sit the applicant in the bank only for tea/water and Charandeep Kaur had been taking the applicant's mobile phone by saying that the cash entries have to be rotated in your accounts so that you can be saved from tax. The applicant had also been giving his mobile phone and signed cheques etc. to them believing upon them. The cheques etc. mostly used to be with Lovnish Garg. Now when both of them had left Yes Bank, Branch DLF then the applicant had come to know from the bank that a lot of money had got transferred from his bank accounts without his information, who, after checking the bank's statements, had then talked about it with Charandeep Kaur and Lovnish Garg, on which they had said that now they have left job in Yes Bank, we don't know anything about it. As per the bank's statements out of applicant's account No. 099163400000311 on 19.10.2022 vide cheque No. 000000081812 of amount Rs. 2,00,000/- by Dharampreet in cash, on 21.01.2023 cheque No. 000000081814 of amount Rs. 1,00,000/-, in Narinder Singh's account No. 099163400000321, On 21.03.2023 cheque No. 000000081817 amount Rs. 2,50,000/- by Kamal cash, on 28.03.2023 amount of Rs. 2,00,000/- was transferred in Gurpreet Singh's account No. 099151000011044, On 19.04.2023 amount of Rs. 50,000/- transferred in Jasmeen Kaur's account No. xX1181/RRN (099152600001181), On 25.05.2023 cheque No. 000000733741 amount Rs. 3,17,000/- transferred in Dilpreet Singh's account No. 0479520000204531, on 16.06.2023 amount of Rs. 40,000/- transferred in Harman Singh's account No. xx1504/RRN_316711806082/To IMPS/Harman, on 01.07.2023 amount of Rs. 46,432/- transferred in Harman Singh's account No. xx1504/RRN 316711806082/To IMPS/Harman and on 01.07.2023 only cheque No. 000000945971 amount Rs. 3,00,000/-*

transferred in Shingara Singh's account No. 099151400001339, On 27.07.2023 amount Rs. 35,000/- transferred to account No. xx1497/RRN 320817647508/To IMPS/MOBTXN, on 22.08.2023 amount Rs. 20,000/- transferred in account No. Xx1720/RRN 323412751485/To IMPS/MOBTXN, on 31.08.2023 amount Rs. 31,600/- transferred in account No. Xx1720/RRN 324312623721/To IMPS/KKKKK, on 14.09.2023 amount Rs. 27,000/- transferred to Manjit Singh's account No. XX0695/RRN 327012945586/To IMPS/MOBTXN 099132400000695), on 03.10.2023 Rs. 37,700/-transferred in account No. Xx1301/RRN 327613854706/To MPS/MOBTN, on 16.10.2023 amount of Rs. 15,000/- transferred in account No. XX5031/RRN 328911784292/To IMPS/ MOBTXN, on 20.10.2023 amount Rs. 61,328/- transferred to Harman Singh's account No. IMPS/NA/xxxx5001/RRN 920010010015001), 329312716344/89272541873366676387/AXIS Bank/Harman/MOBTXN fee, on 23.10.2023 amount Rs. 22,000/-transferred in account No. XX0924/RRN 329611824317/To IMPS/TO MOBTYN, on 25.10.2023 amount Rs. 25,000/-transferred in account No. xx1733/RRN 329811878199/To IMPS/TO MOBTXN, on 30.10.2023 amount Rs. 59,683/- transferred to Harman Singh's account No. MPS/NA/xxxx5001/RRN (920010010015001) 330312827244/979173088889785482998/AXIS, on 06.11.2023 amount Rs. 50,000/- to Harman Singh's account No. MPS/NA/xxxx5001/RRN (920010010015001) 33101197241710320140905861924297/AXIS, on 21.11.2023 cheque No. 000000733754 amount Rs. 1,17,000/- was withdrawn by Mandeep Singh, on 29.11.2023 amount Rs. 50,000/- was transferred to Jasmeen Kaur's account No. xx1181/RRN 099152600001181), On 01.12.2023 amount Rs. 61,300/- in Harman Singh's account No. MPS/NA/xxxx5001/RRN 920010010015001) AXIS Bank, on 19.12.2023 amount Rs. 41,000/- transferred in account No. XX1880/RRN 33531471032/To IMPS/TO MOBTYN, on 02.01.2024 amount Rs. 19,999/-transferred to account No. XX6459/RRN 400211719503/To IMPS/TO MOBTN, on 11.03.2024 amount Rs. 50,000/- in Jasmeen Kaur's fixed deposit account No. 099152600001181, on 14.03.2024 vide cheque No. 000000584436 amount Rs. 20,000/-was transferred to Paramjit Kaur's account No. 099152400001870, on 05.04.2024 cheque No. 000000584436 amount Rs. 20,000/-was transferred to Paramjit Kaur's account No. 099152400001870, on 05.04.2024 amount Rs. 50,000/- was transferred to Jasmeen Kaur's account No. 099152600001181, which total amount Rs. 23,12,042/- had got transferred without his information and out of account No. 099163400000557 On 13.09.2022 cheque No. 111617616799's amount Rs. 80,000/-'s NET TXN: BILLDESK YYBK 1409863188 MAX LIFE's policy, on 03.10.2022 cheque No. 111617854784 amount Rs. 60,044/- NET TXN: PAYTM 20221003368361846603, WEAL THTECHNOLOTY AND SERVICES PVT. L, first on 27.12.2022 cheque No. 000000080508's amount Rs. 1,57,000/- to Manjit Kaur's account No. NEFT DR YES B 23616063268 MANJEET Kaur FDRL 0001919-PATIALA, on 02.02.2023 cheque No. 000000080510's amount Rs. 2,00,000/- RTGS DR HDFC0000126-in Mandeep Kaur DLF COLONY YESBR 52023020296411185, On 14.02.2023 cheque No. 000000080505's amount Rs. 2,00,000/- RTGS DR HDFC00002201-Balwant Singh DLF Colony YESBR 52023021496536630 fee, fist on 29.04.2023 amount Rs. 50,000/- in Jasmeen Kaur's account No. Xx1181/RRN (099152600001181) 3119126836229/TO IMPS/OKKKK and on 29.04.2023 cheque No. 000000080520's amount Rs. 1,00,000/- CHQ PAID CASH WDWRL KAMAL DLF Colony, on 22.05.2023 cheque No.

000000080514's amount Rs. 29,500/- CHQ PAID CASH WDWRL KAMAL DLF Colony, on 18.07.2023 amount Rs. 55,000/- to Harman Singh's account IMPS/NA/xxxx5001/RRN 920010010015001) 3199176596587507793378945154104/AXIS Bank/Harman/MOBTXN, on 05.08.2023 amount Rs. 49,999/-transferred to Account No. XX1657/RRN 3217127562223/TO: IMPS/OKKKKK, on 07.10.2023 amount Rs. 50,000/- were transferred without his information That total Rs. 10,31,543/- had got transferred without his information and out of account No. 099153100000721 On 08.02.2023 cheque No. 000000104169's amount Rs. 3,00,000/- through RTGS in DR HDFC 0004866 Ranjit Kaur DLF Colony - Yes BR 52023020896484261, On 28.04.2023 amount Rs. 50,000/- in Jasmeen Kaur's account XX118/RRN (099152600001181) 3118147162254/TO IMPS/Mob TXN and on 27.09.2023 amount Rs. 15,000/- in Harman Singh's account No. IMPS/NA/xxxx5001/RRN (920010010015001) 327012943733668676626553826223152/AXIS Bank/Harman/MOBTXN, which total Rs. 3,65,000/- and out of account No. 099152200000037 On 03.08.2022 amount Rs. 94,400/- in YSL9106328-041983000000028, On 12.10.2022 in Harman Singh's account No. IMPS/NA/xxxx5001/RRN 920010010015001), 228513851052/42784937307990207157/AXIS Bank/Harman/GOODK amount Rs. 50,000/-, on 20.10.2022 in Harman Singh's account No. IMPS/NA/xxx×5001/RRN 920010010015001), 229316672001/2573092861- 4528208610/AXIS Bank/Harman/MOBTXN amount Rs. 50,000/-, on 22.12.2022 cheque No. 111618746954's amount Rs. 60,044/- in NET TXN PAYTM 20221222383419991779 WEAL THTECHNOLOGY AND SERVICES PVT LTD and on 30.01.2023 cheque No. 000000524821's amount Rs. 2,50,000/- RTGS in DR- HDFC0001327-JAGANDEEP SINGH DLF COLONY, which total amount Rs. 5,04,444/-, in account No. 099153100002386 on 08.02.2024 cheque No. 111623260165's amount Rs. 59,000/- and on 19.03.2024 amount Rs. 60,000/- in Jasmeen Kaur's account NET-TPT-JASMEEN KAUR NEW FOR FIXED DEPOSIT - 099152600001181, total amount Rs. 1,19,000/- had got transferred without his information. Out of applicant's firm Sarpanch Filling Station's account No. 099163400001602, on 03.11.2023 amount Rs. 50,000/- in Harman. Singh's account No. IMPS/NA/xxxx5001/RRN 920010010015001) 3307107032969596705829124178/AXIS Bank/Harman/BILL and on 04.11.2023 amount Rs. 20,000/- transferred in Manjit Singh's account No. 099132400000695) xx0695/RRN 330818784041/To IMPS/MOBTXN, on 09.11.2023 amount Rs. 50,000/- transferred in account No. XX1760/RRN 331321764708/TO: IMPS/MOBTXN, on 18.11.2023 amount Rs. 50,000/- transferred to A/c No. IMPS/NA/XXXX1313/RRN 3322108563952542296434558894000/AU Small Finance Ban/FD/MOBTXN and on 18.11.2023 only amount Rs. 50,000/ - in A/c No. IMPS/NA/XXXX4600/RRN, 332214689266/PA32670444408929383/AXIS Bank/RANJIT/MOBTXN, on 28.11.2023 amount Rs. 20,000/- transferred in account No. XX1760/RRN, 333215789779/TO: IMPS/ MOBTXN, on 30.11.2023 amount Rs. 50,000/- in Jasmeen Kaur's A/c No. XX1181/RRN 333413974276/TO IMPS/MOBTXN, 099152600001181), On 05.12.2023 amount Rs. 27,178/-transferred to Manjit Singh 's A/c No. Xx0695/RRN, 333910811402/To: IMPS/Payment, 099132400000695), on 06.12.2023 amount Rs. 1,00,000/- transferred in A/c No. XX6130/MOBTN/RANJIT, on 15.12.2023 amount Rs. 36,000/-transferred in A/c No. Xx1301/RRN 334917813451 To MPS/MOBTYN, on 18.12.2023 amount Rs. 50,000/-

transferred to A/c No. xXJ 880/RRN, 335222990851 To IMPS/MOBTN, on 22.12.2023 amount Rs. 43,252/- transferred in A/c No. xx45)/RRN, 335616744292 To IMPS/MOBTXN, on 03.01.2024 amount Rs. 49,999/- transferred to A/c No. xx1870/RRN, 401310618600/To IMPS/MOBTXN, on 13.01.2024 amount Rs. 43(0))/- through NET TXN: RAZORPAY NAJGPLE81U48LM YES SECURITIES India Limited, on 14.02.2024 cheque No. 111623335154's amount Rs. 17,700/- in NET TXN: RAZORPAY NAIGPLE81U48LM, YES SECURITIES India Limited, and on 14.02.2024 only cheque No. 111623335168's amount Rs. 35,400/-in NET TXN: RAZORPAY NAJKZFADAROCEF, YES SECURITIES India Limited, on 22.02.2024 amount Rs. 20,000/- transferred in A/c No. XX1919/RRN, 405312022760/To IMPS/SELECT REMARK, on 13.03.2024 amount Rs. 25,000/- in Jasmeen Kaur's A/c No. XX1181/RRN, 099152600001181), 407311032512/TO IMPS/BORROWEDFUND, on 14.03.2023 amount Rs. 20,000/-transferred in A/c No. xx2542/RRN, 407414048552/To IMPS/BORROWED and on 28.03.2024 cheque No. 000000883073's amount Rs. 1,50,000/- CHQ PAID CASH WDL_PRINCE-DLF COLONY total Rs. 9,07,529/- and out of Virk Finance Company's A/c No. 099163400000996, On 03.12.2022 its cheque No. 000000229002's amount Rs. 1,20,000/- transferred to Satinder Singh's A/c No. 0099151000005774 and on 11.05.2023 cheque No. 000000229015's amount Rs. 85,000/- CASH WDWRL JASMEEN KAUR-DLE COLONY, which total Rs. 2,05,000/-, had got transferred without his information. Out of these accounts Charandeep Kaur had transferred to her and her brother Harman Singh's joint bank account No. 920010010015001, A/c No. xx1504/RRN (Axis Bank, Branch DLF Colony, Patiala) total Rs. 12,38,743/- and to her Max Life Policy Rs. 61,300/- and in her mother Sukhvir Kaur's bank account No. 099152500000116 (Yes Bank, Branch DLF Colony, Patiala) total amount Rs. 1,18,500/-total amount Rs. 14,18,543/- have been transferred. Besides, the applicant's son Harmanpreet Singh, who had gone to Canada on 16.05.2022, out of his A/c No. 099153100000179, On 01.07.2022 Charandeep Kaur and Lovnish Garg had transferred amount Rs. 20,000/- to IMPS/NA/XXXX7092/RRN, 218212879169/R0000000000/AU SMALL FINANCE BAN/GURIQBAL SINGH 442/TRF, on 17.08.2022 amount Rs. 16,515/- to NETTXN MANJINDER SINGH INSURANCE-020791800004031, on 24.08.2022 cheque No. 000000046167's amount Rs. 5,00,000/- RTGS DR-UTIB0002034-HARMANPREET SINGH - DLF COLONY, on 16.11.2022 cheque No. 232007712014's amount Rs. 1,02,410/- PCA 0881048752 MAXLIFE; MAXLIFE MUMBAI IN16-NOV-22:37;17 DLF COLONY, on 15.12.2022 cheque No. 0000000046169's amount Rs. 5,00,000/- CHQ, PAID-CASH WITHDRAWAL BY PRINCE-DLE COLONY, on 06.01.2023 cheque No. 0000000046168's amount Rs. 5,00,000/- RTGS DR HDFC0002201-DHARINDER SINGH-DLF-COLONY, on 15.05.2023 cheque No. 000000046170's amount Rs. 1,15,000/- CHQ PAID-CASH WITHDRAWAL BY KAMAL DIF COLONY, had got transferred without the information of his son because it was applicant's mobile attached with his wife and son's bank account too and on 16.11.2022 Rs. 1,02,410/- which payment was made in respect of Max Life's policy, which was of none out of his family or him, (total Rs. 17,53,925/-) out of applicant's son Harmanpreet Singh Virk's account No. 099163400000361, On 05.11.2022 Rs. 1,98,000/- NEFT DR-YES B 23094678262 HARPREET SINGH ICICO002513-DLF COLONY, On 11.11.2022 cheque No. 000000290340's amount Rs. 50,000/-

FUND TRF-DLF COLONY 099152400001012-SARABJIT SINGH and on 15.11.2022 cheque No. 000000290341's amount Rs. 1,00,000/- CHQ PAID CASH WDL BY KARANBIR SINGH_DLF_PTL-DLF COLONY, which (total Rs. 3,48,000/-) had got transferred without information. Similarly, Charandeep Kaur and Lovnish Garg had transferred from the applicant's wife Manjinder Kaur's account No. account 099152500000924 On 10.12.2023 Rs. 50,000/- in Manjit Singh's (099132400000695) No. XX0695/RRN, 328315820289/TO;IMPS/MOBTXN, and out of account • No. 099152400000389 On 01.07.2022 cheque No. 000000944842's amount Rs. 1,00,000/- NEFT DRN185221315450507-HARMAN SINGH UTIB0002034-DLF COLONY, ON 04.07.2022 cheque No. 000000944843's amount Rs. 50,000/- NEFT DR-N185221322029729-HARMAN SINGH UTIB0002034-DLF COLONY AND ON 03.08.2022 cheque No. 000000944844's amount Rs. 1,18,500/- was transferred to Sukhvir Kaur's account No. 099152500000116, which (total Rs. 2,68,500/-). The aforesaid total amount becomes Rs. 78,64,983/-. The persons to whom the amounts have got transferred from the applicant and his family's bank accounts, the applicant does not have any joint business with them, neither he knows them nor had he met them ever. When the applicant had talked to Lovnish Garg and Charandeep Kaur with regard to aforesaid financial transactions that had taken place then they had not given any satisfactory reply, who had been saying that we will tell after getting checked from the bank. But Charandeep Kaur had said that the money which had come to mine and my mother's bank accounts, that I will return. Due to which the applicant had not got written Charandeep Kaur's name in his application but Charandeep Kaur had not returned any money of the applicant till date. Later on, both of them had started lingering on and had not returned any amount. Besides, the money which had got transferred to Jasmine Kaur and Manjit Singh's bank accounts, Charandeep Kaur, using her cunning mind, had given her house's address only in Jasmine Kaur's bank account and had got attached her mobile number with Manjit Singh's account. Narinder Singh S/o Balwinder Singh R/o H. No. 431, Gali No. 13, Vikas Nagar, Rajpura Town, District Patiala has also cleared in his statement that the amount of Rs. 01 lakh which had been transferred from Sampuran Singh's account to his account No. 99163400000321, in that connection Sampuran Singh has no information. The aforesaid Lovnish Garg and Charandeep Kaur had put it in his account without telling him and by telling him lie they had obtained the cheque of this amount from him and had deposited it in Mandeep Kaur's account to whom he does not know and had neither met. Like this, Charandeep Kaur and Lovnish Garg in mutual consultation by taking the applicant into confidence with the intent to cheat had got deposited the cheques signed by him and through his mobile phone total Rs. 78,64,983/-, out of which some amount Charandeep Kaur had got deposited in her accounts and most of the amount both of them had deposited in the accounts of their known and have done cheating. The bank statements are enclosed. It has been found from my enquiry that Lovnish Garg, who was posted as Sales Manager in Yes Bank, Branch DLF Colony, Patiala and Charandeep Kaur was posted as his assistant, who had in mutual consultation and with the intent to cheat and by using their cunning mind had got opened the applicant's several bank accounts and his family's bank accounts in Yes Bank, Branch DLF Colony, Patiala, who by alluring the applicant with their lucrative talks, had got deposited through cheques/mobile phone from him, *some amount Charandeep Kaur had got deposited Rs. 12,38,743/-in her account and had deposited Rs. 61,300/- in her Max Life Policy and had deposited Rs. 1,18,500/- in her mother Sukhvir Kaur's account total Rs. 14,18,543/- and both the aforesaid persons had transferred the most amount total Rs. 64,46,440/- in the accounts of their known, with whom the applicant had no joint business and neither does he knows them. Charandeep Kaur and Lovnish Garg had taken the cheque of this money from Narinder Singh. Besides, the amount which they had got deposited in the accounts of their known that also they might have taken through cheques. Due to having much transactions of money and bank accounts, the complete record of the bank could not be obtained. This fact can come to light during investigation after registration of case. Like, they had, under an already planned conspiracy with the intent to cheat, by getting deposited total Rs. 78,64,983/- from the applicant's bank accounts, out of which some amount was deposited in their own accounts and by getting deposited some amount in the accounts of their few known, have done fraud with the applicant Sampuran Singh. Due to which prima facie after registering a case for offence, Us 406, 420 IPC against Charandeep Kaur W/o Jatinder Singh R/o Plot No. 25, Gali No. 13, Darshan Singh Nagar, Patiala and Lovnish Garg S/o Jeewan Kumar R/o Mahavir Park, Jaito, District Faridkot presently R/o Flat No. 402-A, Gokul Tower, Patiala, investigation needs to be done. The persons in whose bank accounts the money have been deposited, their role also needs to be examined during investigation. That since this incident is of year 2022 and is of Yes Bank, Branch DLF Colony, Patiala, it is found to be of P.S. Tripri, Patiala. If the report is approved then the SHO P.S. Tripri may be appropriately ordered with regard to registering the case. The report is submitted. Sd/- Deputy Superintendent of Police, Traffic, Patiala. On which the aforesaid case for the abovementioned offence was registered against Charandeep Kaur W/o Jatinder Singh R/o Plot No. 25, Gali No. 13, Darshan Singh Nagar, Patiala and Lovnish Garg S/o Jeewan Kumar R/o Mahavir Park, Jaito, District Faridkot presently R/o Flat No. 402-A, Gokul Tower, Patiala and necessary formalities in the record were got completed. Copies of the FIR are being sent to the Illaqa Magistrate and other senior officers. The Incharge, Control Room, Patiala is being informed separately. The case file along with original application, as per instructions of SHO Police Station, is being handed over to SI Pavittar Singh 636, P.S. Tripri, Patiala, for further investigation. Bandi Report No. 26 dated 30.01.2025 at 03.13 PM.”*

3. **<u>Contention</u>**

<u>On behalf of the petitioner</u>

Learned counsel for the petitioner contends that even from perusal of the FIR the allegations qua the petitioner would come out to be of non-fulfillment of contractual obligation, which is civil in nature and by lodging the instant FIR, an arm twisting method is being adopted by giving it a colour of Criminal Act. He undertakes before this Court that the petitioner is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner has misappropriated the cheques issued by the complainant, therefore his custodial interrogation is required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the case is of civil nature arising out of contractual obligation and the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
28.03.2025 **JUDGE**

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*