



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

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**CRM-M No.17692 of 2025
Date of decision: 15.05.2025**

SHAMSUL HASAN**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Sidharth Maini, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Sandeep Sharma, Advocate for Mr. Nitin Narula,
Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.5 dated 19.01.2025, registered under Sections 420 & 120-B of IPC at Police Station Maqboolpura, Police Commissionerate Amritsar.

2. Vide order dated 01.04.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 01.04.2025, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks grant of anticipatory bail in case arising out of FIR No.0005 dated 19.01.2025, registered under Sections 420 &



120-B of IPC at Police Station Maqboolpura, Police Commissionerate Amritsar.

As per the allegations, the complainant had approached the firm of the petitioner which is dealing in sale of electrical goods, diesel engines, generator sets etc in September, 2023, for purchase of a second hand generator set. The sale price of such generator set was fixed to be Rs.60 lakhs. The said amount was transferred by the complainant and second hand generator set was supplied to him. However, the said generator did not work properly since the very beginning and in fact was not in a working condition. Due to its conditions, the complainant suffered huge financial loss. While alleging that the petitioner had sold the same to the complainant with intent to cheat him, he prayed for taking action. After registration of FIR, investigation proceedings have been initiated and are underway.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He simply works as a Facilitator for sale and purchase of old and used generator sets. On asking of the complainant, he got arranged a second hand generator set from one Sithara Traders, Thoppumpady, Kochi, Kerala. The amount for purchase of generator was paid to the concerned person. This generator was installed by the vendor in the presence of Expert of the complainant in his premises. Even videography was done. The dispute is of civil nature. The petitioner was not beneficiary of the transaction. He is ready to



join the investigation. His custodial interrogation is not required.

No recovery is to be effected from him.

Notice of motion.

Learned Senior Deputy Advocate General, Punjab who has advance notice of the petition seeks time to argue the case.

Vakalatnama has been filed on behalf of the complainant. The same is taken on record and be tagged at the appropriate place.

Learned counsel seeks some time to address the arguments.

Adjourned to 15.05.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.

It would, however, be open to the learned Senior Deputy Advocate General, Punjab to file a reply indicating the involvement of the petitioner and all aspects would be considered at the time of final adjudication of the matter.”

3. Status report dated 14.05.2025 filed on behalf of respondent-State is taken on record.
4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 11.04.2025 but he did not cooperate with the Investigating Officer and did not



get recovered some documents and therefore, it is urged that his custodial interrogation is required for thorough investigation.

5. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation, justifying denial for pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. So far as, non recovery is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 01.04.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

15.05.2025

Jyoti-IV

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