

2025:PHHC:054590



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.19949 of 2025
Date of Decision: 29.04.2025

Gurdev Singh alias Gebi ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikas Gupta, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Shubham Mehta, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
12	02.02.2025	Sadar Patti, District Tarn Taran	420 and 506 of IPC

2. As per the allegations, the petitioner who is real brother of the complainant and was involved in the business of travel agency, had assured the complainant to send her nephew to America on work permit

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and had induced her to part with a huge amount of money. However, her nephew was not sent abroad nor money given by her was returned back and matter was previously reported to the police and then the petitioner entered into an agreement to sell some land in favour of the complainant. The sale deed was to be executed on or before 13.05.2024. However, he failed to execute any sale deed in her favour as well and caused wrongful loss to her. As such, she prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 06.02.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute between the parties is of civil nature which has been given a criminal colour. A compromise has been arrived at between the parties and the complainant has sworn an affidavit affirming the factum of the same. He is in custody since long. His custodial interrogation is no more required. The investigation and trial would take time to conclude. His involvement in other cases is not a ground to deny benefit of bail to him. Accordingly, it is urged that he deserves to be released on bail.

4. Learned counsel for the respondent No.2-complainant has affirmed the factum of compromise and has stated that he has no objection, if the petition is allowed.

5. Per contra, learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner.

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Infact, he had duped the complainant of huge amount of money on the pretext of sending her nephew abroad. He had subsequently executed an agreement to sell in her favour but did not honour even the same. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Accordingly, it is urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have induced the complainant to give a staggering amount of Rs.43 lakhs to him by alluring him that he would send her nephew abroad and would secure a work permit for him. However, no work permit was got issued in favour of nephew of the complainant. He is shown to have entered into agreement to sell in favour of the complainant but did not execute any sale deed in her favour. Civil litigation between the parties is pending. The petitioner has placed on record Annexure P-2 copy of an affidavit stated to have been sworn by the complainant in his favour. Though no relevance can be given to this affidavit at this stage as its genuineness or otherwise is to be established during trial before the learned trial Court. However, keeping in view the fact that the subject offences are triable by Magistrate, the period of incarceration of the petitioner coupled with the fact that the trial is likely to take considerable time to conclude and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. The same is



accordingly allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

29.04.2025
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(MANISHA BATRA)
JUDGE

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