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2025:PHHC:052976



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-21161-2025  
DECIDED ON: 25.04.2025

SURAJ PRAKASH MIGLANI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.19, dated 28.01.2025, under Sections 406, 420, 506, of IPC (repealed on 30.06.2024), registered at Police Station Salem Tabri, Tehsil Ludhiana, District Ludhiana (Police Commissionerate) Annexure P-1).

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

*“Today an application PGD NO.373681, Complaint No. 373395 dated 30.06.2024 from Sandeep Gupta Proprietor D.Knit Fab, SCF 191 Grain Markir Bahadurke Road Ludhiana against Suraj Miglani through post has been received in The Office of the Commissioner of Police, Ludhiana, to register the police case, which has been retreated as such. Respected Sir, Hon'ble Commissioner of Police,*

*Ludhiana. Subject:-Application against Suraj Miglani Proprietor GK Collection, Shop no. G-1-2587, Vishnupuri, Opposite Gandhi Nagar Bridge, Shaheed Bhagat Singh Sewing Setter, Ludhiana for defrauding the applicant and for not paying the money after buying the goods, for cheating and for threatening to causing death.*

*Application Letter: Respected Sir, I am Sandeep Gupta Proprietor of D Knit Fab, SCF 191, Grain Market, Bahadur K Road, Ludhiana hereby request that I reside on said address Working in trading of knitted cloth. Suraj Miglani, owner of GK Collection, who does Hosiery work, would often meet me on various occasions during work and tell me about his work. The said accused approached to buy clothes from me and started buying goods from me. The intention of the accused was flawed from the beginning and the accused had already had dishonesty in his intention at the time of purchasing the goods, due to which the accused had the intention to fulfill his purpose and to cheat me. Also, the first three times the accused paid the price as soon as he bought the goods, afterthat the accused started asking me to borrow clothes. I agreed to lend the accused being a person of my market. From 21.03.2023 to 26.06.2023, the said person purchased different types of knitted cloth from us through different bills, the total amount of which is Rs.29,70,000/-. The bills of goods purchased by the accused through different bills are attached. After the accused bought the goods, when we demanded money from him, the attitude of the accused changed and the accused started drooling to pay the money. 2. That whenever I spoke to the accused about the payment of the said goods, instead of paying the money, the said accused always made the excuses and troubled us. When I went again and again and asked for money, the accused got angry and started threatening me that I will not return any of your money, if you do not stop asking for money, I will implicate you in false cases and for the rest of your life. I will send you behind the bars and I have enough access to political leaders and high officials and I will let you know and die, never come to ask me for money after today or you will face bad consequences. 3. That the intention of the said accused was*

*wrong from the beginning and because of that dishonesty, the accused has cheated me by buying goods from me with different bills and giving me money and has usurped my earnings and He had already sold the goods and uses them for his own use. In this way, the said accused has harmed me mentally and financially and the said accused threatened to kill me when I asked for money. You are requested to take appropriate legal action against the said accused. And justice should be given to me.”*

3. **Contention**

**On behalf of the petitioner**

The learned counsel for the petitioner submits that the FIR in question is illegal and unsustainable, as it was registered on 28.01.2025 under provisions of the IPC, which were repealed with effect from 01.07.2024. Therefore, no action can be initiated against the petitioner based on the said FIR.

Notice of motion.

**On behalf of the State/complainant**

On the asking of Court, Mr. Jastej Singh, DAG Punjab, accepts notice on behalf of respondent/State and does not controvert the above-said fact. Additionally on merits he submits that the dispute revolves in the instant petition is civil in nature and various remedies by way of recovery suit or rendition of accounts can be availed by the complainant.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the dispute is admittedly civil in nature 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)**  
**JUDGE**

**25.04.2025**

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No