



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
217

CRM-M-21211-2025 (O&M)
Date of decision: 23.05.2025

Om Prakash Sawariya
.....Petitioner
Versus
Union Territory of Chandigarh and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Divij Datt, Advocate
with Ms. Brea Sandhu, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT, Chandigarh.

Mr. Shivoy Dhir, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.37 dated 06.09.2022 under Sections 406 & 420 of the Indian Penal Code, 1860, registered at Police Station Cyber Crime, Chandigarh.

2. On 24.04.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. As per the case set up by the prosecution, the petitioner received Rs.4.00 lakhs through online portal for the goods purchased by the complainant. Further, the necessary ingredients to cheat from the very inception are missing. In fact, the petitioner has already delivered the



camera worth Rs.2,53,000/- and dispute arose between the parties during onslaught of COVID-19, which affected the business of the petitioner and disrupted the supply chain. Although the petitioner is involved in seven other cases of similar nature, however, he is on bail in that cases. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years.

Notice of motion.

Mr. Manish Bansal, PP, U.T. Chandigarh, who is present in the Court, accepts notice on behalf of the respondent-State and he opposes the prayer of the petitioner for grant of anticipatory bail on the ground that the petitioner is habitual offender and he cheated four more persons in similar manner.

Adjourned to 23.05.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2)*



of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

*In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and anr., 2020(1) RCR (Criminal) 831** and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and others, 2012(2) SCC 382**, the involvement of an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.*

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel, on instructions from Ms. Jaskarandeep Kaur, Police Station Cyber Crime, Chandigarh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. On the other hand, learned counsel for the complainant submits that an amount of Rs.4.00 lacs is yet to be recovered from the petitioner.

5. Keeping in view the statement made by learned State counsel and in terms of the judgements rendered by the Hon'ble Supreme Court in **Dilip Singh vs. State of Madhya Pradesh and others**



2021(2) SCC(Cri) 106 and Lalit Chaturvedi and others vs. State of Uttar Pradesh and others 2024(2) R.C.R.(Criminal) 73, whereby it has been held that anticipatory bail cannot be converted into recovery proceedings, order dated 24.04.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

6. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.05.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No