245+312 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21151-2025
Decided on: 14.05.2025

Suresh Kumar ...Petitioner

Versus

State of Punjab …Respondent

CRM-M-22718-2025

Mintu Kumar ...Petitioner

Versus

State of Punjab …Respondent

CRM-M-21854-2025

Pankaj Metla ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karan Choudhary, Advocate
for the petitioner(s) in CRM-M-21151-2025.

Ms. Deepti Rampal, Advocate
for the petitioner in CRM-M-22718-2025.

Mr. Munish Puri, Advocate
for the petitioner in CRM-M-21854-2025.

Mr. Jasdev Singh Thind, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
72	24.11.2023	Taragarh, District Pathankot	420, 120B IPC

1. This order shall dispose of three petitions as mentioned above as all three petitions arising out of the same FIR. For the sake of brevity, facts have been taken from ***CRM-M-21151-2025 titled as Suresh Kumar vs. State of Punjab.***

2. The petitioner(s) apprehending arrest in the FIR captioned above have come up

before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. In the respective petitions, petitioners have declared that they have no criminal history.

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> *"That a complaint was moved by Richa Saini on dated 27.10.2023 to SSP Pathankot, wherein she had stated that she had visited at Canara Bank, Brnach Begowal, Taragarh, District Pathankot on dated 13.10.2023 along with her husband for getting prepared FD (Fixed Deposit) for an amount of Rs. 5 Lakhs. In order to open the FD, he issued 2 cheques bearing No. 602432 & 602431 of Rs. 4 Lakh & 5 Lakh of A/c No. 20861011021886 which is her account. Similarly they issued 2 more cheques bearing No. 243510 & 243511 of Rs. 5 Lakh & 4 Lakh respectively of A/c No. 20861010221507 which is in the name of her husband Rajesh Kumar R/o Village Bharyal. The complainant further stated that the Bank Official asked her to visit on next date and they will issue the FD (Fixed Deposit). Thereafter, when she visited on next day, the Bank Official lingered the issuance of FD (Fixed Deposit) on one pretext or other till 25.10.2023. Thereafter Bank Manager assured that they will get prepared FD till 26.10.2023. Then on dated 26.10.2023, the complainant received a telephone Call, whereby she informed by the Bank Manager that a fraud is committed with the Bank.*
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> *The Enquiry was marked to SHO Taragarh in which SI Hem Raj conducted the Enquiry. Sl Hem Raj completed Enquiry on dated 08.11.2023. As per Enquiry report, the bank employee namely Amandeep had committed the Fraud and he had transferred the amount of account of Richa Saini (complainant) to the bank account of Mintu Kumar S/o Om Parkash on dated 13.10.2023. Further on dated 13.10.2023, an amount of Rs. 4 Lakh was also transferred to the bank account of Suresh Kumar S/o Bishan Dass. Similarly an amount of Rs. 5 Lakh was transferred in the bank account of Pankaj Mettla on dated 16.10.2023 and further an amount of Rs. 5 Lakh was also transferred to the Bank account of Subham Kumar on dated 16.10.2023.*
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> *The said Enquiry was reaffirmed and forwarded to DSP(Rural) Pathankot and a separate Enquiry was conducted by the DSP (Rural) vide which the DSP (Rural) ordered for registration of FIR against Amandeep @ Aman*

S/o Darshan Kumar and therefore, the present FIR No. 72 of 23.11.2023, U/s 420, 120-B of IPC was registered by the Police Station Taragarh against Amandeep @ Aman.

Thereafter the accused Amandeep @Aman (Bank Official) was arrested by the police on dated 11.03.2025. On dated 12.03.2025 the accused Amandeep @Aman made a disclosure statement under section 27 of Evidence Act and stated that he has transferred the amount of complainant Richa Saini and her husband in the bank account of Suresh Kumar (present petitioner), Subham Kumar, Pankaj Mettla & Mintu. On the disclosure statement, the petitioner Suresh Kumar along with Subham Kumar, Pankaj Mettla & Mintu nominated as accused vide G.D. No. 18 dated 12.03.2025."

5. The petitioners' counsel on instructions submits that petitioners shall not repeat the offence and will live in decent manner. He further prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"The Role of Petitioner :-

Although, the petitioner Suresh Kumar had not contacted the above mentioned persons in-person by himself but as per the disclosure statement of the accused Amandeep (Bank Official), they have facilitated him for deposit of amount in their bank accounts."

REASONING:

8. Allegations against the petitioners are that one bank employee-Amandeep had cheated the complainant and transferred the money of complainant in bank accounts of the petitioner(s). Petitioners are not the main accused and also the fact that money has been recovered, they were arraigned as accused on the disclosure statement of main accused, as such, they are entitled to bail.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. FIR relates to 2023 and the Police did not arrest the petitioners; if they intended to arrest the petitioners, it was not impossible.

11. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.

12. The investigation indicates that the petitioners are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

13. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

14. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

15. This order is subject to the petitioners' complying with the following terms.

16. <u>*The petitioners are directed to join the investigation as and when called by the Investigator*</u>. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding

the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. This bail is conditional, and the foundational condition is that if the petitioners repeats the offence or indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petitions allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.