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

**CRM-M No.22402 of 2025
Date of Decision: 20.05.2025**

Baljeet Singh

..... Petitioner

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. H.S. Batth, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

Mr. Vishal Goel, Advocate
for respondent No.2/complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.0049, dated 13.03.2025, under Sections 406, 420 and 120-B of IPC, 2023, registered at Police Station City Rajpura, District Patiala.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Jasveer Singh and Swarn Saini. It was alleged that Sukhwinder Singh was known to him and he introduced him with Gurjot Singh and Baljeet Singh (petitioner). The complainant was told that Gurjot Singh wanted to sell his 40 Bigas of land as he was in need of money. On seeing the land, complainant (Jasveer Singh) and Sarwan Saini agreed to purchase the



land at the rate of Rs.30,11,000/- per kila. The agreement to sell was executed on 04.03.2024 and an amount of Rs.30.00/- lacs was given as earnest money. The date for registration of the sale deed was fixed for 02.08.2024. However, they came to know that Gurjot Singh had executed another agreement to sell *qua* the same land with one Kusam Mangal and he received an amount of Rs.50 lacs through cheques from them. They further came to know one another agreement to sell dated 23.06.2023 was executed by Gurjot Singh with Kesar Singh and Kuldeep Kumar and amount of Rs.70 lacs was received by Gurjot Singh. Gurjot Singh had taken time to cancel the said agreement with Kesar Singh and Kuldeep Kumar and to return the money, however, Gurjot Singh did not return their money. It was alleged that Gurjot Singh in connivance with Sukhwinder Singh and Baljeet Singh, were habitual of committing cheating with the people and thus, they cheated the complainant to the tune of Rs.35 lacs. Thus, prayer was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Patiala praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Patiala dismissed the petition filed by the petitioner vide his order dated 08.04.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.



3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is not a party to the agreement dated 23.06.2023, 27.02.2024 and 04.03.2024 and thus, he is not the beneficiary. He submits that the petitioner was only a Mediator. He submits that petitioner being a social activist got cancelled the initial agreement to sell dated 23.06.2023 through Cancellation Deed dated 11.01.2024. The three cheques issued in favour of the prospective vendees of agreement to sell dated 23.06.2023 only were entrusted to the petitioner. It is submitted that in the complaint filed, the enquiries were also carried by the Economic Wing Incharge, District Panchkula, Haryana. It was submitted that the case is of civil nature which has been given a colour of criminal nature only to harass the petitioner. During the course of arguments, the counsel for the petitioner had prayed for settling the matter, on saying that he was ready to return double the amount of Rs.35 lacs i.e. Rs.70 lacs, thus, this Court on consent of both the parties, referred the matter to the Mediation and Conciliation Centre of this Court. He has submitted that in the facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner had played an active role in cheating the complainant in connivance with the co-accused. It is submitted that the petitioner is a habitual offender as he is involved in other case as well i.e. FIR No.118



dated 05.11.2024 under Sections 406, 420, 506 of IPC registered at Police Station Ghanaur. He has submitted that the petitioner had sought the interim protection by this Court on the false promise. He submits that the petitioner was never keen to settle the dispute amicably as was submitted before this Court. However, he also agreed for the proposal of the counsel for the petitioner to refer the matter to the Mediation.

5. On the offer given by counsel for the petitioner, the matter was referred to the Mediation. The report dated 16.05.2025 of the Mediator, is received to the effect that despite best efforts the parties could not reach at an amicable settlement.

6. Learned State counsel had opposed the submission made by counsel for the petitioner and has submitted that the petitioner had played an active role. The investigation is at the initial stage and custodial interrogation of the petitioner is required for free and fair investigation. He submits that no case for grant of anticipatory bail to the petitioner, is made and thus, the present petition deserves to be dismissed.

7. On hearing of the counsel for the parties and perusing the record, it is apparent that the petitioner had played an active role in the conspiracy. In connivance with the co-accused, the complainant was alleged to have been cheated with an amount of Rs.35 lacs. Though, it was submitted before this Court by counsel for the petitioner that he was ready to return the amount of Rs.70 lacs and this Court vide order dated 29.04.2025, referred the matter to the Mediation and granted interim protection to the petitioner, however, as evident from the report of the



Mediator, the mediation remained unsuccessful. The counsel for the petitioner failed to convince the Court regarding the failure of the mediation as undertaken before this Court.

8. This Court finds that evidently the investigation is at threshold. The interim protection granted to the petitioner was only on the undertaking given before this Court that the petitioner was ready to return the amount of Rs.70 lacs but the same has not been honoured.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
- 2. 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."*

10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632***, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of*



the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is*



interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.05.2025

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(RAJESH BHARDWAJ)
JUDGE

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