

CRM-M-24880-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24880-2025
Reserved on: 07.07.2025
Pronounced on: 31.07.2025

Ashok Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhinav Prashar, Legal aid counsel
for the petitioner.

Mr. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	25.02.2022	Block Majri, District SAS Nagar	420, 406, 467, 468, 471, 120B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 17 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	147	04.07.2017	406, 419, 420, 465, 467, 468, 471, 120B IPC	Kharar, District SAS Nagar

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1), which reads as follows:

“To, SSP, SAS Nagar Subject: Regarding fraud of Rs 15 lac by doing agreement to sell. It is requested that I, Harjeet Singh s/o Sher Singh am r/o Village Seonk District SAS Nagar and am an agriculturist. That we our 4 brothers and we own 12 ace of land which is in my father's name. We had sold 4 acres of land and wanted to purchase other land. Then I visited relative Gurmail singh s/o Masta Singh r/o village Kudha Ali Sher who has his office at Sohana. When I was at his office, one Ashok Kumar Mobile No. XXX was sitting there. Then he told my relative Gurmail Singh that he has a friend Gurjinder Singh s/o Bakshish Singh, whose mother in law is a NRI and she needs money and wants to sell one acre land which we can get at good rate. Then Ashok Kumar showed us the land which he

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liked. Ashok Kumar took us to village of Gurjinder Singh and one lady was sitting there whom Ashok Kumar introduced as Mother in law of Gurjinder Singh and she wants to sell the land and he introduced us with Gurjinder Singh also. At that time Gurjinder Singh's wife, father, brother and mother were present who told that she is his mother in law. We did a deal of 8 Kanals and 18 Marlas for Rs 93 lacs and gave 1 lac as earnest money and the next day 07.02.2020 we came to village Kurad, where they had already written one agreement to sell. Then we gave 9 lacs Rs. cash and cheque of Rs. 5 lacs to them and they signed the same as Aradhika Singh w/o Raminder Singh r/o H.No. 213 Sector 18 Chandigarh and also attached the copy of her Aadhaar Card with it. Gurjinder Singh and Gurmall Singh also signed the same as witnesses and on 13.03.2020 another person whose mobile no. Is 9915011050 and Aradhika Singh came and returned our cheque and took 5 lac Rs. cash from us. But we later on got to know that Aradhika Singh has no land and all of them in connivance have defrauded us of Rs. 15 lacs. Appropriate legal action be taken against them and our money be returned to us.”

4. The petitioner’s counsel submits that there is a delay of two years in registration of the FIR; the petitioner is in fact a victim and the only allegation is that he had only introduced Gurjinder Singh to the complainant. He further submitted that Gurjinder Singh and the complainant had settled the matter and out of Rupees one lac which was paid to Gurjinder Singh, Rs.80,000/- were returned back to the Complainant-Harjeet Singh through cheque and this fact has not been shown, which shows the malafide intention. Learned counsel further submits that the matter is civil in nature and not criminal, as such this Court cannot be a recovery agent.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The petitioner’s counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State’s counsel opposes bail and refers to the reply.

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

“The role of the petitioner.

(i) The petitioner/accused introduced the complainant to one Radhika

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Singh. He further represented that the woman present at the relevant time-who was later found to be impersonating Radhika Singh was the mother-in-law of Gurjinder Singh.

(ii) The complainant paid a sum of 15 lakhs as earnest money for the purchase of land from Radhika Singh, at the instance of the petitioner/accused, Ashok Kumar; and the payment was made to Gurjinder Singh out of which Rs. 30,000/- was received by the accused Ashok Kumar.

iii) These facts clearly establish that the petitioner/accused, in connivance with other co-accused persons, committed an act of cheating against the complainant.

REASONING:

9. Regarding the delay in registration of FIR, arguments are misconceived for the reason that the Complainant had filed a complaint way back on 24th June, 2020 and after due inquiry, the FIR was registered on 25.02.2022. Thus, the delay, if any, is not attributed to the complainant.

10. Even as per the contents of FIR, it was the petitioner who had introduced Radhika Singh to be the seller of someone's land. The inquiry was conducted and it was found truth in the allegations of the complainant as is apparent from the above mentioned reply. It is not a case of civil dispute where the land deal did not materialize because of the terms and conditions mentioned in the agreement which led to fraud, which was from the inception. Here it is a case where right from the very inception, the petitioner and his accomplice had tried to play a fraud upon the complainant and showed somebody else's property to take money, which they were successful in taking. Thus, it is not a case of civil dispute, and rather, on the face of it, it is a case of cheating, for which the amount of money which was attributed to the petitioner or has been taken to the petitioner, had to be recovered as proceeds of crime and being the material object. This Court had granted stay of arrest to the petitioner to join investigation and cooperate. Despite the stay of arrest, on 8th of May 2025 the petitioner joined the investigation but did not cooperate..

11. The fact remains that in the reply no efforts were stated to have been made about the recovery of proceeds of crime which were attributed to the Petitioner. In para 13(C) of the reply, it was specifically mentioned that rupees 30,000 were taken by him, but no recovery has been affected. After two years of FIR and three years of incident, this Court does not want to curtail the petitioner's liberty, provided the petitioner fully cooperates in recovery of the proceeds of crime, which is a material object. Petitioner is directed to join investigation on 11th, 12th and 13th of August 2025 and in case the investigator fails to recover the material object and proceeds of crime and petitioner does not cooperate, then it shall be permissible for the state/Investigator/concerned SHO to file an application for cancellation of bail before the concerned Court having jurisdiction over the FIR, which

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shall be competent and eligible to cancel the bail granted by this Court on the grounds of non-recovery of proceeds of crime and petitioner’s not cooperating in the investigation. In terms of the above captioned conditions, the present petitioner is entitled to bail, more so, when the petitioner’s counsel had assured of full cooperation with the investigator.

12. 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.

13. Given the above, the penal provisions invoked coupled with the prima facie 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 petitioner makes a case for bail.

14. Given above, provided the petitioner is not required in any other case, the petitioner 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.

15. While furnishing a personal bond, the petitioner 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)	

16. This order is subject to the petitioner’s complying with the following terms.

17. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner 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 petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

18. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,

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influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

19. 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 petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

20. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

21. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner 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.

24. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.