IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28573-2025
Reserved on: 09.07.2025
Pronounced on: 31.07.2025

Jatinder Mohan Bareja ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Bindra, Advocate and
Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Amit Arora, Advocate,
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
57	23.04.2025	City Patti, Tarn Taran	420 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 18 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

> *"3. That the brief facts of the present matter as, complainant Kanwaljit Singh son of Sukhwant Singh, resident of Village Sarali Mand Khurd, Police Station City Patti, District Tarn Taran, moved a representation vide No. 113-PP dated 09.01.2025 before the office of Senior Superintendent of Police, Tarn Taran against the petitioner Jatinder Bareja Manager Cooperative Bank Tarn Taran, Jagmohan Singh Virk son of Darshan Singh, resident of Bathinda, Jagmeet Singh Bhuttar son of Sohan Singh Bhuttar, resident of Bathinda, Rajinder Singh Mann son of Baldev Singh Mann, resident of Bathinda, that Petitioner Jatinder Singh Bareja who works as a Manager in the Cooperative Bank who knows the complainant well, and he also know him and petitioner told him that he has invested money in TP Global Trading Company and he is also its agent, from which petitioner getting a lot of income and this company is a recognized by the Government and RBI and there is no risk of any kind of fraud in it and petitioner will be responsible for the fraud and he will have to pay a separate fee of about*

Rs.11,000/- every month for investing money in the company and then on his repeated request, the complainant transferred and then his repeated request, complainant deposited Rs.50,00 in the said company on 15/02/2022, Rs. 40,000/- on 01/03/2022, Rs.50,000/- on 24/03/2022, Rs.60,000/-on 26.04.2022 and on 04/06/2022 total amount of Rs.2,00,000/- were transferred from his account to the account number sent by petitioner Jatinder Mohan Bareja and about Rs.1,00,000/- as fee was paid separately and then a few days later in March/April 2022, petitioner Jatinder Mohan Bareja along with Jagmohan Singh, Jagmeet Singh and Rajinder Singh Mann, who is Government employee are also agents and the above persons have also invested money in this company and all information is given by the above persons about the said company and seminars are also organized at different places and the above accused have to come to Tarn Taran District and you and your other friends meet them so that they can also earn income by investing money in the said company, on which all the above persons came to Tarn Taran and they told them about the said money and incited.

4. that they are Officially employees and they have done all the enquiry and invested in the said company and the said company is recognized by the Government and RBI and there no threat of fraud and for which they take full responsibility. On the advice of the above persons and taking responsibility for any fraud, the complainant, his friends Ravinder Singh son of Sukhdev Singh, resident of Village Usma, District Tarn Taran and Palwinder Singh son of Sukhej Singh, resident of Village Sheikh Chak, District Tarn Taran and Ravinder Singh transferred Rs.5,00,000/- on 17.08.2022 from his account to the account number provided by petitioner Jatinder Singh Bareja and complainant also paid his fee separately Rs.11,000/- per month. Palwinder Singh also transferred Rs.2,00,000/- to the account of the company given by the petitioner, and he also paid the fee every month, and the petitioner provided the information about the money invested in the said company from time to time by WhatsApp to the complainant party. The complainant would submit a copy of the same and they invested money in the said company. After some time, they told the petitioner and other persons that they wish to withdraw some amount from the company, so please withdraw their amount, then the above persons told that all the money invested in the company is being converted into Dollars and as long as all the money invested in the company has not converted in to dollars till that time only up to 100 dollars or 200 dollars can be withdrawn and not more than, this can be withdrawn and the accused withdrew some amount by withdrawing 100/100 and 200/200 dollars. The amount was withdrawn, when they talked to them about withdrawing the remaining money, to which they told them that someone in the company named Joe Marton had committed fraud and the said company has been frozen by the ED and now the amount cannot be withdrawn in any manner. In this regard, petitioner Jatinder Singh Bareja had given information about the said company to Hira Singh Sandhu, lawyer in office number 29 at Tarn Taran and had given his responsibility that there would be no fraud of any kind and Hira Singh Sandhu said that he still have less money and the he will invest the money in the company after about 2 months. When they told the accused that you earlier told that the said company is recognized by the Government and RBI and no fraud of any kind can happen, then how did happen that one, the said accused said that they only meant to complete their membership that they have done their work and kept talking to accused No.4 Rajinder Singh Mann on the phone in this regard, but he had only made excuses of false hopes. Accused party told, now, you know and your job. Whatever you want to do, do it. They have no fear from anyone. Above all, the accused in-connivance each other, committed the cheating of Rs. 13/14 lakh with the complainant Party."

4. The petitioner's counsel submits that the petitioner joined the investigation on

12.06.2025, 13.06.2025 and 20.06.2025 and had supplied the bank statements along with a chart suggesting that an amount of Rs.1,29,845/- was received from the account of Kawaljeet Singh, an amount of Rs.11,240/- was received from Ravinder Khera and an amount of Rs. 8915/- was received from the account of Palwinder Singh. And all these amounts were transferred to the company's account and no other amount other than this as alleged has been transferred to Petitioner's account. He further submits that the complainant has filed the complaint against the petitioner along with Jagmohan Singh Virk, Jagmeet Singh Buttar and Rajinder Singh Mann but the investigating agency has registered the FIR only against the petitioner and has exonerated the other accused. He further submits that the petitioner is working as an Assistant Manager at Cooperative Bank at Tarn Taran and himself is a victim of the big scam done by TP Global Trading Company (TP Global FX). The said fact has been noted by the investigating agency in the FIR itself and the petitioner had himself invested his hard-earned life savings of around Rs. 32 Lakh in the said company & its schemes. He further submits that the petitioner himself is a victim of the crimes of the company and its management rather than being a perpetrator of the offence as is being wrongly alleged by the Complainant. He further submits that no custodial interrogation of petitioner is warranted as no recovery is to be affected from the petitioner. Even otherwise the petitioner is ready to join the investigation and cooperate with the police. The police themselves have stated that the petitioner took part in the investigation and provided documents in support of his contentions. The petitioner has no criminal antecedents and is a mere employee of a Cooperative Bank. There is no likelihood of the petitioner tampering with the evidence or interfering in the investigation.

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 his 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 counsel for the complainant opposes bail.

8. The State’s counsel opposes bail and refers to the status report.

9. It would be appropriate to refer to the following portions of the status report, which reads as follows:

> *"F. The Evidence against the Petitioner.*
> *From the explained facts and circumstances, it transpires that the parties were known to each other and a money transaction had taken place. In such a scenario, where there are three complaints and they allege that they had been defrauded by the petitioner for a total of Rs.15,00,000/-.*
> *G. The role of the petitioner.*
> *Rs. 15,00,000/- cheated by the petitioner by enticing that he was an agent of the TP Global Company and his company was approved by the Government and RBI, also other associates of the petitioner were organizing the seminars in the District Tarn Taran."*

REASONING:

10. A perusal of the petitioner's stand thus point out towards the preponderance of probability and the same cannot be decided at this stage. However, it's veracity is subject to trial and cross-examination in the trial but for the purpose of bail, this Court is granting bail on the assurance made by counsel for the petitioner that the petitioner will fully cooperate with the investigator and shall show him the entries depicting the transfer of entire amount to the company. Further, he got the amount recovered which found attributed to petitioner as per record/investigation.

11. 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.

12. 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 petitioner makes a case for bail.

13. 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.

14. 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)	

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

16. *The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and 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.

17. 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, 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.

18. 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.

19. 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.

20. 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.

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

22. 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.

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

24. Complainant is liberty to file an application for cancellation of bail before the concerned trial Court which shall be competent to cancel the bail granted to the petitioner by this Court, in case recovery of proceeds of crime which are attributed to the petitioner in the investigation are not effected.

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.