



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

313

CRM-M-28963-2025

Date of decision: 10th July, 2025

Aman Kumar @ Goldy

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Birinder Singh Kehar, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Ravinder Kumar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 428 dated 28.07.2024 registered under Sections 406 and 420 of IPC at Police Station City Tohana, District Fatehabad.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant, Satbir Singh, alleging that the petitioner, who was running a tea stall in New Secretariate, Tohana had represented before him that he could get the complainant appointed in Railway Department, as he had also got his brother appointed therein and also told the complainant that money was required to be spent for that purpose. On being so induced and being caught in the web of the accused, the complainant asked about the money which he was required to be paid for



that purpose. The petitioner demanded a sum of Rs.13,00,000/-. After negotiations, the amount was settled for Rs. 7,00,000/- to be paid at the outset and the rest of the amount was to be paid after clearing examination by the complainant, which the petitioner assured would be cleared. The petitioner then introduced the complainant with co-accused Asha Ram, and a sum of Rs. 1,10,000/- was given by the complainant to the petitioner in the presence of co-accused Asha Ram on 17.10.2021. Subsequently, on asking of the petitioner and co-accused, the complainant transferred various amounts, and in total, an amount of Rs. 6,30,000/- was paid. However, he could not clear the competitive examination, despite the assurance given by the petitioner. Upon confronting the petitioner and co-accused, they started ignoring him. They also refused to return the money. A cheque for a sum of Rs. 1,30,000/- was issued by the petitioner on 25.12.2022, but the same was found to be invalid. The petitioner later returned an amount of Rs. 1,00,000/- to the complainant. Subsequently, a cheque issued by the accused Asha Ram was dishonored. By alleging that he had been deceived by the petitioner and co-accused and had suffered wrongful loss, the complainant prayed for taking action. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fatehabad, which was dismissed vide order dated 16.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. As per the allegations in the FIR itself, he had already returned an amount of Rs. 1,00,000/- allegedly received by



him to the complainant. No money is left to be returned by him to the complainant. Neither the ingredients of the offence of cheating nor of criminal breach of trust are made out against the petitioner. Even otherwise, both these offences are antithesis to each other. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. With these broad submissions, it is urged that the petitioner deserves to be released on pre-arrest bail.

4. Status report has been filed. It is argued by the learned Assistant Advocate General, Haryana, assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner. For conducting thorough investigation in the matter, his custodial interrogation is must. No extra-ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have induced the complainant to part with a sum of Rs. 6,30,000/- on the pretext of getting him appointed in a government job. As per the allegations, an amount of Rs. 1,10,000/- was paid by the complainant to the petitioner on 17.10.2021, and an amount of Rs. 1,00,000/- was subsequently returned by the petitioner. Co-accused Asha Ram has, however, not returned the amount received by him from the complainant. It is debatable question as to whether the allegations make out a case for commission of offence of cheating or criminal breach of trust? Given the nature of the allegations, no case for pre-trial incarceration of the



petitioner is made out. As such, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed. The petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within ten days and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS join investigation.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*