



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

CRM-M-30453-2025 (O&M)

Date of decision: 7th July, 2025

Sheikh Abdul Majeed

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Chaudhary, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Yaseen Sethi, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

CRM-22912-2025

Allowed, as prayed for.

CRM-M-30453-2025

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of BNSS in case FIR No.27 dated 22.03.2025 under Section 420 of the IPC registered at Police Station Sadar, District Pathankot.

2. Learned counsel for the petitioner submits that the present FIR arises out of a purely commercial transaction between the petitioner and the complaint. It is contended that the complainant had willingly invested in a proposed business venture for purchasing land in Kashmir

with the objective of constructing a Warehouse. Learned counsel for the petitioner has asserted that the complainant, who is engaged in the business of transportation, had himself proposed the idea, and payments were made voluntarily over a period of time.

3. While drawing the attention of the Court to the FIR (Annexure P-1), learned counsel has argued that it discloses, at best, a civil dispute arising from a failed business arrangement. It has been submitted that the petitioner has already refunded a sum of ₹ 10,49,944/- to the complainant, and the balance amount was disbursed to one Gulzar Ahmad, purportedly on the instructions of the complainant himself.

4. It has been further contended by the learned counsel that the FIR was lodged after a considerable lapse of time and is a malicious attempt to exert pressure and harass the petitioner. Furthermore, the entire case rests on documentary evidence, and therefore, custodial interrogation of the petitioner would neither be warranted nor would serve any useful purpose.

5. On being put to notice, learned State counsel has filed reply by way of an affidavit of Sukhjinder Pal Singh, PPS, DSP (Rural), District Pathankot dated 05.07.2025, which is taken on record subject to all just exceptions.

6. Learned State counsel has vehemently opposed the prayer and submissions of the counsel opposite. While drawing the attention of this Court to the FIR as well as to the affidavit which has been filed, it has been submitted that the allegations as well as the material collected

subsequent to the registration of the FIR discloses a well orchestrated plan of deception, whereby the petitioner induced the complainant to part with substantial sums of money under false pretenses. The petitioner allegedly gave false assurances about purchasing land in Kashmir for constructing godowns for the FCI, exploiting the political narrative around the anticipated abrogation of Article 370 of the Constitution of India.

7. It has been contended that the petitioner fraudulently induced the complainant to part with a total sum of ₹ 58,24,500/- between February and April 2017. Despite repeated requests and follow-ups, the petitioner neither initiated any such business venture nor returned the full amount. While ₹10,49,944/- was admittedly returned, a significant balance of ₹49,15,112/- remains unaccounted for.

8. Learned State counsel, while drawing the attention of this Court to the affidavit, has still further pointed out glaring inconsistencies in the stand taken by the petitioner – at one stage claiming the amount was for the rentals of the truck, and elsewhere alleging that the funds were paid to a third party, Gulzar Ahmad. It has been vehemently submitted that no documentary evidence, agreement, or Memorandum of Understanding regarding the alleged joint venture has been produced by the petitioner in support of his claims.

9. Given these circumstances, the learned State counsel has strongly urged that the instant petition be dismissed as the custodial interrogation of the petitioner is required not only for tracing the

misappropriated funds, but also for unearthing the wider conspiracy and securing relevant material evidence.

10. I have heard learned counsel for the parties and perused the relevant material on record.

11. From a bare reading of the FIR and the materials placed on record, it prima facie emerges that the petitioner systematically collected a large sum of money from the complainant under the guise of investing in a non-existent Warehouse project. The element of deception appears to be present from the inception of the transaction, as no documentation has been furnished to substantiate the alleged business dealings. The contradictory stands taken by the petitioner further erode the credibility of his claims/defence.

12. The mere fact that part of the amount was refunded, does not, in itself, dilute the gravity of the offence. On the contrary, the retention of a substantial balance amount, coupled with the absence of any genuine effort at refund or explanation, lends credence to the case of the prosecution. The complainant, admittedly a truck operator by profession, was allegedly lured into parting with a huge amount of over ₹58,00,000/-.

13. Furthermore, the explanation by the petitioner that the funds were disbursed to one Gulzar Ahmed on the instructions of the complainant remains unsubstantiated as there is no supporting documentation placed on record to show that the complainant had

authorized such payments. These assertions raise substantial questions that can only be adequately addressed during custodial interrogation.

14. In view of the nature of the allegations, the quantum of funds involved and the inconsistent and self-contradictory contentions put forth by the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 7, 2025
rps

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