

CRM-M-31217-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-31217-2025
Decided on: 21.07.2025

Ainish Kumaria

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Atinderpal Singh, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Ainish Kumaria	42	28.04.2023	420 IPC	Division E	Police Commissioner ate Amritsar

2. Learned counsel for the petitioner contends that the allegations against the petitioner are that he defrauded the complainant of a sum of Rs. 4,66,990/- on the pretext of investing the money with a promise of receiving 20% bonus per month, but neither was the money returned nor was any bonus given.



3. Counsel further submits that the petitioner allegedly issued certain cheques, and accordingly, a complaint under Section 138 of the Negotiable Instruments Act was initially filed. However, the said complaint was withdrawn vide order dated 04.10.2024 (Annexure P-4) due to the settlement of the dispute through a compromise dated 26.09.2024.

4. It is broadly contended that the instant FIR has been registered merely to pressurize the petitioner and initiate recovery of the invested amount under the garb of criminal proceedings, even though no criminal offence is made out. Moreover, counsel submits that custodial interrogation is not warranted in the present case as the dispute is purely monetary in nature, and the petitioner is ready and willing to join the investigation and cooperate fully with the authorities.

5. On the other hand, Mr. Neeraj Madaan, learned Senior Deputy Advocate General, is not in a position to dispute the factual submissions made by the petitioner's counsel, though he submits that some further facts are to be ascertained by conducting interrogation of the petitioner.

6. Taking into consideration the nature of allegations and the fact that the entire dispute is monetary in nature—along with the fact that, at the first instance, the complainant had filed a complaint under Section 138 of the Negotiable Instruments Act and subsequently filed the present FIR—this Court does not find any substantial reason to subject the petitioner to custodial interrogation. Therefore, petitioner is directed

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to join the investigation within two weeks from today. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 21, 2025

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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**