



CRM-M-31558-2025
212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31558-2025
Decided on: 11.08.2025

Jitender Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Kumar Garg, Advocate and
Mr. Tajveer Singh Gaba, Advocate
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
67	16.04.2025	Sadar Ratia, District Fatehabad	4, 5 & 6 of Prize Chits and Money Circulation Schemes (Banning) Act 1978 and Sections 316(2), 318(4), 351(2), 351(3) & 61 of BNS 2023 (Later on Section added 249 BNS and 3(2) of Haryana Protection of Interest of Depositors in financial Establishment Act 2013)

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 that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:



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“That the brief facts of the case are that in the present case the FIR was registered on the complaint of complainant Amrik Singh son of Puran Chand resident of Village Sehnal, Tehsil Ratia, District Fatehabad. It is submitted by the complainant that Dr. Sukhdev Singh son of Shishpal is resident of village Sehnal and the said Sukhdev have opened the Company namely Shishpal Frontlane Consultancy and Services Private Ltd. In his house and now by changing from there that Company has now been opened in the house of Baljinder Singh @ Bindu mobile No. 9992226389. There are about 25 agents in that Company, whose name are as follows Raju son of Lala, Rajkumar son of Labh Chand, Sukhdev Singh son of Labh Chand, Pargat Singh son of Gurmail Singh, Ravi Kumar son of Brij Lal, Gurdeep Singh son of Sh. Lala Singh, Ajay son of Amarjeet, Manjeet son of Parsa Ram, Rohit son of Net Ram, Mahinder son of Baru Ram, Ankit son of Rampal residents of Village Sehnal, Tehsil Ratia, District Fatehabad and Shira Cheema resident of Village Gurusar and Roshan Lal son of Tek Chand, resident of Bhuna Tehsil & District Fatehabad. The agents of the Company in connivance with each other are cheating people by promising to double the money in a month. Due to this, the agents of the aforesaid Company came to the house of the applicant on dated 18.01.2025 and by alluring the applicant took 3 Lakhs form the applicant and that Rs.3 Lakhs pertaining to the applicant himself and his mother and his father was invested in the Company and all three together have Rs. 3 Lakhs and given the receipts in their names. It is alleged by the complainant that it has been about 2 1/2 months since the applicant had invested the money in the said Company but till now the applicant has not received any amount and the applicant for taking his money visited the aforesaid Company several times and went to the office of Sukhdev Singh but the said Sukhdev Singh and his agents abused the complainant and threatened to kill him if he asked for returning his money. That the aforesaid Sukhdev Singh and his associates/agents told that we do not have any money, we will not give money, you can do whatever you want. On the basis of aforesaid facts legal action was sought against the accused persons in accordance with law and requested to recover his amount. Apart from the applicant, many people have also been defrauded and the amount of fraud is approximate 40-50 Crores.”

4. Petitioner’s counsel submits that the amount which was attributed to the petitioner



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by way of commission, was Rs.2,85,000/- and entire amount is stated to have been recovered. 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. Counsel further 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.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. As per the case of prosecution, petitioner received Rs.10 lacs from the company and as per investigation, the amount is attributed to him. On the other hand, petitioner's stand is that he received Rs.10 lacs from the Director of the Company and only Rs.2,85,000/- came to his share as commission and that amount has already been recovered. Considering the fact that all amount which was attributed to the petitioner as commission, has been recovered, this Court does not deem it appropriate to deny his bail. 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.

7. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, recovery of amount 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.

8. 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



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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.

9. 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)	

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

11. 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.

12. 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.

13. 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.

14. 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

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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.

15. 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.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

11.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.