

2025.PHHC:076374



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

**CRM-M-32871-2025
DECIDED ON: 19.06.2025**

SIMRANJEET SINGH**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Nikhil Chopra, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 of BNSS 2023, praying for grant of anticipatory bail to the petitioner in case FIR No.65 dated 15.03.2025 under Sections 406, 420 IPC 1860, Police Station Cheeka, District Kaithal (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“A complaint No. 01322804012500432, dated 22.01.2025 and 141-PESHI, dated 22.01.2025, AFTER INVESTIGATION BY THE Deputy Superintendent of Police, HQ, Kaithal has been received in the Police Station, which is as follows:- To, The Respected Superintendent of Police, Kaithal. Subject:= For taking action against: Simranjit Singh son of Balkar Singh, Village Jagatura, district Patiala- Punjab.

Madam, it is requested that I, Bala Devi wife of Shri Bira Ram, am a resident of village Bhagal Tehsil Guhla, district Kaithal. The above accused who works in sending children abroad. My brother Satpal was also interested in going abroad, due to which we met the above accused. The accused told that I have sent many children abroad earlier also. For this he talked about sending my brother to America. In relation to which the accused fixed a deal with us for Rs.35,00,000/- and the accused came to our house in village Bhagal in April 2022, at that time my son Balraj Singh, my brother Sarpal, our neighbour Nandlal son of Sh. Malkhan Singh, resident of Bhagal were present at our house. Simranjit Singh said that after giving him Rs.35 lakhs, the applicant's brother will be sent to America and settled there. In the presence of all these people, I gave Rs.35 lakh in cash to Simranjit Singh. After that Simranjit Singh kept talking about sending my brother abroad. But the accused did not send my brother abroad. In this regard, I also held Panchayats at the house of the accused house several times. The accused admitted that due to my mistake your brother could not go abroad. Therefore, I should be given time till 31 July 2024. The accused returned Rs.10 lakhs to us in front of the Panchayat and the accused also gave me two cheques of Rs. 12 lakhs 50 thousand in the Panchayat and said that if I do not return the money then you keep these cheques as evidence and if needed, you can take any legal action. Photocopies of the cheques have also been attached with the application. The accused said this while giving full assurance to the Panchayat. The accused assured the Panchayat to pay the outstanding amount of Rs. 25 lakh plus interest by 31 July 2024. After this, my brother went to America in October 2023 through Satnam Singh, resident of Jalandhar. The accused did not return any amount to me till 31 July 2024. On 2 August 2024, I went to the house of the accused with the Panchayat of village Bhagal and asked for my money back. The accused not only refused to return the money, but also threatened to finish me along with my family. The accused grabbed Rs. 35 lakhs from me and neither sent my brother abroad nor returned my money to me. I request your goodself to take

strict legal action against the accused for cheating me and threatening to see me outside. You will be very kind. With thanks. Date -06.05.2024 RTI (Bala Devi) Applicant Bala Devi wife of Sh. Bira Ram, resident of village Bhagal, Tehsil Guhla, District Kaithal. Mob: 9034740813. At Police Station- The above complaint number 01322804012500432 dated 22.01.2025 and 141-PESHI dated 22.01.2025 was verified by the Deputy Superintendent of Police, HQ, Kaithal, on verification, finding the offence under section 406, 420 IPC, after receiving in the police station, FIR No.65, under section 406,420 IPC dated 15.03.2025 was registered and the copy of the police file and the original complaint will be sent to the police post Bhagal through post for further investigation. Copies of the First Information Report are being sent to the concerned officers and Area Magistrate through post. This First Information Report was registered in the presence of Sub Inspector Rajesh 931.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, and there is an unexplained delay of three years in the lodging of the FIR. He further contends that the complainant, Bala Devi, lacks the requisite locus standi to file the present complaint, as she is not the aggrieved party but the real sister of the principal aggrieved person, namely Satpal. It is further submitted that Satpal, who allegedly went abroad with financial assistance from the petitioner, is presently settled in the USA. The counsel also asserts that the petitioner has already returned a sum of ₹25,00,000/- to the complainant. He undertakes, on behalf of the petitioner, that the petitioner is ready and willing to cooperate with and join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Surender Singh Pannu, Addl. AG, Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition urging that when the interim bail was granted to the petitioner, he did not co-operate during the course of joining the investigation and failed to give appropriate answers to the queries put by the Investigating Officer.

4. Analysis

From the discussions, it emerges that there is an unexplained delay of three years in the lodging of the FIR. The locus standi of the complainant is also in question, as she is the sister of the main aggrieved person, namely Satpal. As far as the disputed facts are concerned, they are matters of evidence, to be adjudicated during the course of trial. The contention raised by the learned State counsel does not hold merit, as it is within the domain of the Investigating Officer to ascertain the truth and gather relevant information during the investigation. Moreover, it is not in dispute that the petitioner has expressed his bona fide intention to join the investigation, as clearly stated in paragraph 18 of the petition.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Relief:-

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his

satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

19.06.2025

Meenu

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