



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

211

CRM-M-33407-2025

Date of decision: 12th August, 2025

Mohammad Sayed @ Mauji @ Chahat Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sukhmeet Singh, Advocate for the petitioner.
Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.
Mr. Vipul Babuta, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 40 dated 11.04.2025 registered under Sections 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Meharban, District Police Commissionerate Ludhiana.

2. The aforementioned FIR was registered on the allegations that the accused Imran Khan, who is brother of the present petitioner was running immigration office. He had induced the complainant to part with a sum of Rs. 11,50,000/- by alluring the complainant to get visa and work permit for Romania issued in his favour but duped him of that amount. It was also alleged that the father of the present petitioner and accused Imran



had collected a sum of Rs. 5,50,000/- from the complainant and other victims and also that the petitioner, who is brother of the main accused Imran Khan was also conniving with him. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Ludhiana which was dismissed vide order dated 02.06.2025.

3. It will be relevant to mention here that vide order dated 26.06.2025 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case only due to being brother of the co-accused Imran Khan. He was not beneficiary of any transaction that had taken place between the complainant and the co-accused. No amount of money whatsoever had been transferred in his account nor received by him. He has already joined the investigation. His custodial interrogation is not required. The subject offences are triable by Magistrate. Therefore, it is, urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. The bail petition of the co-accused Imran Khan has been dismissed. The petitioner has criminal antecedents. He has not co-operated with the investigation. Custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.



6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner is alleged to be a part of a conspiracy hatched between his brother i.e. co-accused Imran Khan, his father and himself, to cause wrongful loss to the complainant and in pursuance thereof, the complainant was duped of an amount of Rs. 11,50,000/-on the pretext of sending him abroad. No money belonging to the complainant is, however, shown to be transferred in the bank account of the present petitioner. It is not the allegation that there was any inducement on the part of the petitioner qua the complainant for parting with money. The petitioner has already joined the investigation. So far as the non recovery is concerned, mere non recovery cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503. With regard to contention that the petitioner has not co-operated with the investigation, it may be stated that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. In the considered opinion of this Court, the pretrial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 26.06.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.



8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th August, 2025
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |