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

**CRM-M-38417-2023 (O&M)
Date of decision : 20.02.2025**

Rajat Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aayush Arora, Advocate, for the petitioner.

Mr. Ashok Sehrawat, DAG, Haryana assisted by
Sub Inspector Mohkam Singh.

Ms. Amrita Nagpal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-6531-2025

Application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the B.N.S.S.'*) for placing on record documents i.e. draft sale deeds and details of cheques in compliance of order dated 03.10.2024 (R-2/1 to R-2/5). The same is allowed as prayed for, subject to all just exceptions.

Registry to do the needful.

CRM-M-38417-2023

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.0239 dated 20.04.2021, under



Sections 406, 420, 467, 468, 471 and 506 of Indian Penal Code, 1860 (for short 'IPC') (Section 120-B IPC added later on), registered at Police Station Panipat City, District Panipat.

(2). Allegations are that petitioner's co-accused namely Manoj and Pawan Kumar had obtained 47 cheques from the complainant and out of that, petitioner fraudulently encashed 14 cheques amounting to Rs.25,00,000/-, in favour of his known persons having same name as mentioned in aforesaid cheques.

(3) Learned counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 18.08.2023 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

(5). On the other hand, learned counsel for complainant has vehemently opposed the prayer on the premise that he has been cheated to the tune of more than Rs.2 Crore.

(6). In response thereto, learned counsel for petitioner submits that not even a rupee has been received by the petitioner.

(7) Heard learned Counsel for the parties and perused the paper-book.



(8). It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 18.08.2023 and the order reads as under:-

“Reply by way of affidavit dated 17.08.2023 of Suresh Kumar, HPS, Deputy Superintendent of Police, Traffic, Panipat, on behalf of respondent-State has been filed in Court today. The same is taken on record. Copy thereof furnished to learned counsel for the petitioner.

Learned counsel for the petitioner inter alia argues that the petitioner has been falsely implicated in the present case. Except for the disclosure statement of Manoj and Pawan Kumar (Accused No.4), there is no other independent material connecting the petitioner with the crime. Accused No.4-Pawan Kumar, while in custody, in his disclosure statement nominated Manoj and Rajat Kumar (present petitioner). Manoj is the brother-in-law of the petitioner. The case of the prosecution is that 14 cheques amounting to Rs.25 lakhs, which were in possession of Pawan Kumar, were handed over to Manoj and Manoj further handed them over to the present petitioner, who got the same encashed through the bank accounts of some other persons, who are namesakes of the payee mentioned on the cheques.

Notice of motion.

Ms. Ambika Sood, Additional Advocate General, Haryana, accepts notice on behalf of respondent-State and waives service. She submits that a detailed reply/status report has been filed in this case. She opposes the present petition and submits that the petitioner-applicant has been named in the disclosure statement of Pawan Kumar and that of Manoj (Annexures R-2 and R-3, respectively) as well as in the statement of one Balbir, recorded under Section 161 Cr.P.C. (Annexure R-4). The said Balbir is account holder of the bank account through which an amount of



Rs.1,25,000/-, pertaining to two out of fourteen cheques, was got encashed.

On a query of the Court, learned State counsel, on instructions from ASI Sumit Kumar, Police Station CIA-II, Panipat, submits that said Balbir, in whose account the above referred two cheques were concededly deposited, has not been arrayed as an accused. He has joined the investigation and his statement under Section 161 Cr.P.C. has been recorded.

Adjourned to 12.10.2023.

In the meanwhile, petitioner shall join investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bonds and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.

This order does not, in any manner, limit or restrict the rights of the investigating agency from further investigation, as per law ”

(9) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(10) The objection raised by learned counsel for the complainant is not acceptable for the reason that, *prima facie*, there is no material to indicate that any money was received by the petitioner.

(11) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 18.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.



(12) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(13) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(14) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

20.02.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No