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

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CRM-M No.34841 of 2025
Date of decision: 06.08.2025

Harjeet Singh alias Jagga alias Sheru and another ... Petitioners

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Randeep Tanwar, Advocate,
for the petitioners.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Yashdeep Nain, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of pre arrest bail in case arising out of FIR No.0259 dated 17.08.2024 registered under Sections 120-B, 406 and 420 of IPC at Police Station Mullana, District Ambala. His previous petition bearing CRM-M No.63427 of 2024, had been dismissed vide order dated 17.12.2024.

2. The petitioners along with the co-accused are alleged to have

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duped the complainant of a sum of Rs.1,11,00,000/- on the pretext of selling some land to him by inducing him to purchase some land in a Village in Ambala and by representing that the said land could fetch huge profit. They are also alleged to have impersonated the prospective buyers. Investigation is going on. The previous petition as filed by the petitioners had been dismissed by making the following observations:-

“7. The petitioners by hatching a conspiracy with the co-accused are alleged to have duped the complainant of an amount of ₹1 crore 10 lakhs. Learned counsel for the complainant has also shown transcript of some telephonic conversation having taken place between the petitioners and the complainant suggesting that the complainant had given money to them for purchasing some property and the same has not been given back to the complainant.

8. In view of the nature of the allegations, this Court is of the considered opinion that for conducting thorough investigation in the matter, the custodial interrogation of the petitioners is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect

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who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

3. It is argued by learned counsel for the petitioners that a compromise has been arrived at between the petitioners and the complainant and in pursuance thereof, an amount of Rs.29 lakhs has been reverted back to the complainant by way of two cheques issued by the co-accused Davinder Singh and Gurpreet Singh. These cheques have also been encashed. A petition for seeking quashing of the FIR on the basis of compromise has also been filed which is pending. Notice of motion has been issued in that petition. The dispute between the parties is of civil nature which has been given criminal colour. In view of the changed circumstances, the petitioners are certainly entitled for benefit of pre arrest bail. It is, therefore, argued that the petition deserves to be allowed.

4. Learned Deputy Advocate General, Haryana has argued that a previous petition as filed by the petitioner had been dismissed on merits by passing a detailed order. There is no substantive and specious change in the circumstances entitling the petitioners on bail. It is, therefore, argued that the petition does not deserve to be allowed.

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5. Learned counsel for the complainant has submitted that two cheques for amount of Rs.15 lakhs had been given by the petitioners to the complainant and both of them have been honoured. It is argued that he has no objection if the petition is allowed. The fact that the petition seeking quashing of the FIR on the basis of compromise is also pending and the statement of the parties have been directed to be recorded.

6. This Court has considered the rival submissions.

7. The petitioners along with the co-accused are alleged to have cheated the complainant and to have caused wrongful loss to the tune of huge amount of money on the pretext of selling some property to him. The previous petition as filed by the petitioners had been dismissed. However, now a compromise has been arrived at between the parties. A petition seeking quashing of FIR has also been filed. The complainant has received money in terms of the compromise. Custodial interrogation of the petitioners as such is not required in the given circumstances. As such, this Court is of the opinion that a case is made out for extending benefit of pre arrest bail to the petitioners at this stage. Accordingly, the petition is allowed and the petitioners are ordered to be extended benefit of anticipatory bail, subject to their surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and joining investigation as and when called upon to do so and on their surrender within that period, they shall be released on bail by the Investigating Officer/Arresting Officer on furnishing

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personal/surety bonds to its satisfaction and complying usual terms and conditions as envisaged under Section 482(2) of BNSS and subject to the following conditions:-

- (i) the petitioners shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.
 - (ii) They 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/her from disclosing such facts to the Court or to any Police Officer.
 - (iii) They shall deposit their passport if any, with the jurisdiction Magistrate/trial Court.
8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No