



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

103

CRM-M-36965-2025

*Date of decision: 16.07.2025***Mukesh Saini @ Mukesh****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sherry K Singla, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.229 dated 23.04.2025 under Sections 406,420 IPC registered at P.S Ladwa, District Kurukshetra.

2. Contention**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the matter is purely of civil nature, based on documentary evidence therefore, no criminal liability can be fastened upon the petitioner. He further submits that petitioner had never assured the complainant for sending his son or nephew abroad and in fact has already returned a sum of Rs.2 lacs to the complainant way back in the year 2024.

**On behalf of the State**

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and prays for denial of the concession of bail by submitting that custodial interrogation of the petitioner is required to ascertain the facts as he has duped the complainant on the pretext of sending his son and nephew abroad.

3. Analysis

Having perused the contents of the petition including the fact that the matter is purely of civil nature and considering the fact that the petitioner had already returned a sum of Rs.2 lacs to the complainant way back in the year 2024 and allegation qua fabrication of Visa document is yet to be established, custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

4. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 ten days and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.07.2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No