



CRM-M-37297-2025

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

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CRM-M-37297-2025

Date of decision: 21st August, 2025

Naresh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Vandana Reeta Kohli, Advocate and
Ms. Harmanpreet Kaur(Simmi), Advocate for the petitioner.

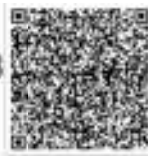
Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

Mr. Dinesh Trehan, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition for grant of pre-arrest bail as filed by the petitioner in case arising out of FIR No. 03 dated 08.01.2024 registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Model Town, District Ludhiana. One of the petitions so filed by the petitioner is, dismissed as withdrawn, and another petition bearing CRM-M-47806-2024 had been dismissed vide order dated 29.01.2025.

2. The petitioner, along with the co-accused, has been booked for commission of the aforementioned offences on the basis of a complaint lodged by the complainant, Deepak Kathuria, alleging that he had been duped by the petitioner and the co-accused to part with the sum of Rs. 5,50,00,000/- on the promise of purchase of a property bearing SCO No. 105



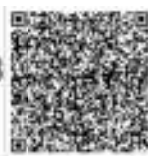
situated at Urban Estate Dugri, Ludhiana though in fact such property was never been allotted and sold by GLADA to any other person and sale deed was executed in favour of the petitioner on the basis of fake and fabricated documents. Specific allegations against the petitioner are that he had received an amount of Rs. 10,00,000/- from the victim.

3. It is argued by learned counsel for the petitioner that there is substantive and specious change in the circumstances ever since the date of dismissal of the previous petition since, now, a compromise has been arrived at between the parties. In fact, the dispute between them was civil in nature. The parties have agreed to withdraw the cases as registered against each other. The entire agreed amount of Rs. 30 lakhs has been paid to the complainant. His custodial interrogation is not required. No recovery is to be effected from him. He had already joined investigation and is ready to join further investigation also. No recovery remains to be effected from him. It is therefore urged that the petition deserves to be allowed.

4. Learned Assistant Advocate General, Punjab, has argued that no sufficient ground has been made out for allowing the petition and it deserves to be dismissed. Learned counsel for respondent No. 2-complainant has, however, submitted that the entire amount of Rs 30 lakhs as agreed to be given to the complainant has since been given and the complainant has no objection, if the petition is allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner, in connivance with the co-accused is alleged to have caused wrongful loss to the tune of Rs 5.5 crore to the complainant by



inducing him to part with the aforementioned amount on the pretext of sale of a property to him though no such property was actually in existence. The complainant has received an amount of Rs 30 lakhs from the petitioner. Civil litigation is pending between the parties. Keeping in view the above discussed facts, this court is of the considered opinion that a case for grant of pre-arrest bail is made out in favour of the petitioner at this stage. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. Accordingly, the petition is allowed and the petitioner is ordered to be released on pre-arrest bail, subject to his surrendering before the Investigating/Arresting Officer within a period of ten days from today and joining investigation and then subsequently also as and when called upon by him and on his surrender within that period, he shall be released on bail by the Investigating Officer on furnishing bonds to his satisfaction and on the following conditions:-

(i) He shall not leave the country without permission of the Court during investigation and till conclusion of trial and will surrender his passport (if any) before trial Court.

(ii) he 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) he shall not commit any similar offence while on bail.

7. 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.



8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

21st August, 2025

Parveen Sharma

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