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

CRM-M-38127-2025 (O&M)

Reserved on : 02.08.2025

Pronounced on : 05.08.2025

Dilbagh Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shivam Sachdeva, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Ankit Gupta, Advocate
for respondent No. 4. (Through VC).

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') seeking transit/anticipatory bail in case arising out of FIR No. 136 dated 23.09.2024, registered under Sections 318(8), 316(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') at Police Station Mali Panchghora, District Howrah, West Bengal.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of a written complaint lodged by complainant Indrail Dass alleging therein that he came across a company namely Happy Birds Contract Farming, which operated in poultry farming business. The complainant was induced to invest an amount of Rs. 9 Lakhs in the said business on 16.06.2023 and thereafter, he invested an amount of Rs. 6 Lakhs on 16.08.2023 and

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another amount of Rs. 6 Lakhs on 17.11.2023. In this way, the complainant transferred a total amount of Rs. 21 Lakhs in the bank account of the aforesaid company maintained in HDFC Bank, Ambala Cantt. Branch. However, the company stopped the payment from December, 2023 by claiming that the business was in loss. The complainant was asked to wait till July, 2024. However, the office was shut down and the contact numbers went unreachable. He prayed for taking action in the matter. After registration of the FIR, investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Sessions Judge, Howrah but the same had been dismissed as not pressed, vide order dated 30.07.2025. Thereafter, the petitioner has approached this Court praying for grant of transit bail.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The petitioner is one of the Directors of the aforesaid company, which is in fact a registered company. The complainant had entered into an agreement with the company on 04.03.2023, wherein it was *inter alia* agreed that the company shall provide assistance to the complainant to run the business by providing space and other facilities to take care of birds. However, due to sudden spread of bird flu, the birds caught infection and died, which resulted into loss in the business. Hence, it was not a case, where the complainant was deceived by the petitioner. Rather, it was a natural event which was beyond the control of the petitioner. Two other FIRs on similar allegations have also been registered against the petitioner, wherein he is on bail. No prima facie case under Sections 318(8), 316(2) and 3(5) of

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BNS is made out against the petitioner. His custodial interrogation is not required on account of mere fact that certain funds were transferred to the company's account. He is ready to join the investigation by appearing before the Investigating Officer of the case at the police station concerned. No recovery is to be effected from him. Therefore, it is urged that he may be extended benefit of transit anticipatory bail in order to enable him to approach the jurisdictional/appropriate Court at Howrah, wherein the FIR in question has been registered.

4. Respondent No. 1 has filed reply to the petition. Learned Assistant Advocate General, Haryana, assisted by learned counsel for respondent No. 4-SHO, Police Station Panchghora, Howrah, has argued that keeping in view the gravity of the allegations and the fact that the petitioner had already approached jurisdictional Court; he is not entitled to get benefit of transit bail. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner has admittedly been booked for commission of offences punishable under Sections 318(8), 316(2) and 3(5) of BNS. He is seeking transit anticipatory bail by way of moving the present petition. The Hon'ble Supreme Court in ***Priya Indoria v. State of Karnataka and others : 2024 (2) RCR (Criminal) 112*** has observed that the High Court or Court of Sessions can grant limited anticipatory bail in the form of an interim protection under Section 438 of Cr.P.C. (*which is pari materia with Section 482 of BNSS*) with respect to FIR registered outside the territorial jurisdiction of the said Court subject to certain conditions. However, one of the conditions

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for grant of this relief is that the applicant must satisfy the Court regarding his inability to seek anticipatory bail from the Court which has the territorial jurisdiction to take cognizance of the offence on the ground that there is a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR is registered; the apprehension of violation of right to liberty or impediments owing to arbitrariness; and the medical status/disability of the person seeking extra territorial limited anticipatory bail.

7. The petitioner, in this case, is a resident of Kurukshetra and has been booked in the aforesaid case within the jurisdiction of Police Station Panchghora, Howrah, West Bengal. He had already approached the jurisdictional Court i.e. Sessions Court, Howrah for grant of anticipatory bail, which had been dismissed as not pressed, as mentioned above. Hence, it is not a case where the petitioner is unable to approach the jurisdictional Court for grant of bail for any of the reasons mentioned above. Therefore, the petitioner does not meet out the conditions as laid down by Hon'ble Supreme Court in ***Priya Indoria***'s case (supra) for grant of transit bail. Hence, finding no merit in the present petition, the same is dismissed.

8. However, it is made clear that the observations made herein above are only for the purpose of deciding the present petition and not on the merits of the case.

05.08.2025

*Parveen Sharma***(MANISHA BATRA)**
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*