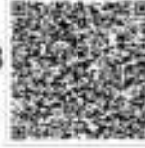


2025:PHHC:092058



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

SR. NO.110

**CRM-M-39324-2025
DATE OF DECISION:24.07.2025**

SHAHBAZ SINGH

...PETITIONER(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. R.S. Basra, Advocate
for the petitioner.

N.S. SHEKHAWAT, J.

1. Petitioner prays for grant of pre-arrest bail in FIR No.0152 dated 05.06.2025 registered under Sections 420/406 IPC and Section 24 of the Immigration Act at Police Station Division 7, District Ludhiana.
2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case and even during the enquiry, it had come on record that Sukhpreet Singh @ Sukha, co-accused had agreed to pay the entire amount, which was received from the complainant. He further contends that the entire story has been concocted by the complainant, as there was a financial dispute between the complainant and his cousin Lucky Batra regarding the payment of money along with interest and the petitioner has been unnecessarily dragged in the present case. Without admitting his guilt and just to show his bonafide, the petitioner has voluntarily offered to

deposit a sum of Rs.9 lac within a period of four weeks with the trial court/Area Magistrate, subject to outcome of the trial.

3. Notice of motion.

4. On the asking of Court, Mr. M.S. Bajwa, DAG, Punjab accepts notice on behalf of the respondent-State, while Mr. Tanvir Singh Attariwala, Advocate has put in appearance on behalf of complainant.

5. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the petitioner on the ground that an amount of Rs.6 lac was transferred in the account of the petitioner and Rs.6 lac was paid in cash by the complainant. They also submit that the custodial interrogation of the petitioner would be required to recover the said amount from him.

6. I have heard the learned counsel for the parties and perused the case file.

7. In the present case, the allegations were levelled by the complainant that the petitioner had received an amount of Rs.9 lac and the remaining amount was paid to other accused. Now since the petitioner has offered to deposit the amount of Rs.9 lac within a period of four weeks from today with the trial Court/Area Magistrate, his custodial interrogation would not be required. Even otherwise, the law is well settled that the criminal proceedings cannot be used as a tool to recover the amount from the proposed accused.

8. In view of the above, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided 482 (2) of BNSS, 2023. It will be open for the investigating officer to call the petitioner to join the investigation, if so required, by

issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of BNSS.

9. The petitioner is directed to deposit a sum of Rs.9 lac within a period of four weeks from today with the trial Court/Area Magistrate, subject to outcome of the trial and the concerned Court shall deposit the said amount in a fixed deposit in some nationalised bank, fetching maximum rate of interest, during trial. However, it is made clear that in case the above-said amount is not deposited within the stipulated period by the petitioner, the present petition shall be deemed to be dismissed.

24.07.2025
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO