

CRM-M-41191-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41191-2025
Reserved on: 02.09.2025
Pronounced on: 19.09.2025

Sanjay Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nitin Kumar Sharma, Advocate and
Mr. Pawan Attri, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
130	10.07.2025	Siwan, District Kaithal	316(2) & 318(4) of BNS 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That brief facts of the case are as under:-

That the complainant made a complaint that about one month ago the petitioner came to his house and said he do the work for arranging loans for people. He told the complainant's wife that he will arrange a loan for Rs. 15 Lacs, you will have to give a commission of Rs. 1 Lacs for getting the loan and then he will arrange a home loan of Rs. 15 Lacs. Thereafter the complainant gave Rs. 45,000/- to him in small amount. Then the petitioner said he will arrange a loan within 5 days.

They waited for one month but the petitioner did not arrange the loan. The complainant asked the petitioner to return the amount but he refused and threatened by saying that he will neither arrange loan nor will return your payment. Thereafter a case vide FIR no. 130 dated 10-07-2025 under section 316(2) and 318(4) of B.N.S.,2023 was registered in police station Siwan District Kaithal (Haryana).”

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4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"4. That according to order of Hon'ble High Court, on dated 04-08-2025, the petitioner joined into investigation. During investigation he suffered his voluntary disclosure statement and confessed his involvement in commission in crime. He further disclosed that he does not do any work. He spends lot of money in his needs and to complete his needs, he took money from people by giving false promise to get sanction loan to them. He visited village Rasulpur for searching such types of people, he saw there a new house was being constructed at main road of village Rasulpur. He went in the house, there a women Suman Devi was found. He told the said Suman Devi that he is employ in HDFC Bank and work to get sanction loan. On this Suman Devi told him that she will talk her husband then she will make called to him. After 2-4 days Tarsem Lal, husband of Suman Devi made a call to him to get sanction the loan. He said that he will get sanction the loan of Rs. 15 Lacs but you have to give him commission of Rs. 50 thousand. Thereafter Tarsem gave copy of bank account and income proof, affidavit and photo of house, copy of Aadhar card. He received Rs. 3,750/- on 19-05-2025, Rs. 3,000/- on 20-05-2025, Rs. 5,000/- on 22-05-2025, 3500/- on 24-05-2025, Rs. 2500/- on 30-05-2025, Rs. 3000/-Rs. 1500/- and Rs. 1300/- on 04-06-2025, Rs. 2400/- and 1600/- on 06-06-2025, Rs. 2800/- on 09-06-2025, Rs. 2500/- on 12-06-2025 total Rs. 32,850/- from Tarsem through Google Pay and Rs. 8,500/- received cash. He has account no. 7531099641 of Indian Bank which is activate on Google Pay mobile no. 961130295. Thereafter Tarsem started to call him for getting sanction loan but after some time he stopped to pick the phone of Tarsem. He received total amount of Rs. 41,350/- by fraud. Out of which some money was spent on his expenses, he has Rs. 6,000/- and the same were given to police. The Rs. 6000/- were taken into police possession by separate recovery memo.

5. That the petitioner is sole accused in present case and he is named in FIR. The bank statement in which the petitioner received money, screenshot of mobile of complainant of Google pay by which the complainant paid the money to petitioner have been taken into the police possession. The petitioner is not required to custodial interrogation."

REASONING:

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7. A perusal of paragraph 5 of the status report filed by the State as mentioned above, makes a ground for bail to the petitioner.
8. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner having clean antecedents and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
12. This order is subject to the petitioner's complying with the following terms.
13. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.
14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,

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influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.09.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.