

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

**CRM-M-45647-2024 (O&M)
Date of decision : 13.01.2025**

Baljinder Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Ramandeep Kaur, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, learned AAG, Punjab.

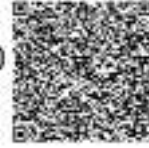
Mr. Yashpal Thakur, Advocate,
and Mr. H.S. Sandhu, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhia, 2023 (*for short, 'the BNSS'*) has been filed for grant of pre-arrest bail to the petitioner in FIR No.0116 dated 14.06.2024, under Sections 420 & 406 of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983, registered at Police Station City-2, Khanna, District Ludhiana.

2. Allegations are that petitioner duped the *de facto* complainant-Shamsher Singh to the tune of Rs.14.00 lakh on the pretext of sending his son abroad.

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3. Contends that the Coordinate Bench, granted interim bail to petitioner on 30.09.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

4. *Per contra*, learned State counsel, on instructions from the police officer present in Court duly acknowledge the above factual position, but opposed the prayer on the premise that an amount of Rs.14.00 lakh is yet to be recovered from petitioner.

5. On similar lines, learned counsel for the complainant, while making reference to an agreement dated 05.09.2022, executed by the petitioner as well as other co-accused with complainant, submits that petitioner does not deserve the concession of pre-arrest bail.

6. Heard learned counsel for the parties and perused the paper-book.

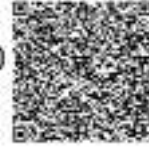
7. It is an admitted position that petitioner was granted interim bail by the Coordinate Bench on 30.09.2024 and the same is recapitulated as under:-

“ Learned counsel for the petitioner prays that complainant be impleaded as respondent No.2 for the proper adjudication of the present case.

The prayer is allowed. The complainant-Shamsher Singh son of Hari Singh, resident of village Ikolaha, Police Sation Sadar Khanna, District Ludhiana is impleaded as respondent No.2.

Let notice be issued to the newly added respondent No.2 for 24.11.2024.

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Registry is directed to make necessary amendment in the memo of parties.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his satisfaction. He shall abide by the following conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973 :-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- 2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the Court or to any police officer.*
- 3) That the petitioner shall not leave India without prior permission of the Court.”*

8. It is not in dispute that in pursuance of above order, petitioner has joined investigation and so far as recovery of money is concerned, these are not the recovery proceedings; hence, objection to that effect is hereby rejected.

Moreover, there is an agreement allegedly executed between the parties; therefore, petitioner can take recourse to the remedy before appropriate Court, in accordance with law, if so advised.

9. In view of above, interim order dated 30.09.2024 is made absolute subject to the conditions as envisaged under Section 438(2)

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10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. Above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

12. Disposed off accordingly.

Pending application(s), if any, shall also stand disposed off.

13.01.2025

atulsethi

**(MAHABIR SINGH SINDHU)
JUDGE**

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