

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44742-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Kamaljeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S.Jakhal, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0209	17.06.2025	City Ferozepur, District Ferozepur	316(4)/61(2) BNS

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. Per paragraph 10 of the bail petition and paragraph 8 of the status report filed by State counsel, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4 That the brief facts of the case are that the complainant Gurwinder Singh Virk son of Surjit Singh, r/o Basti Balochan Wali, Ferozepur City lodged complaint bearing UID no.544072 dated 06.03.2025 with the Senior Superintendent of Police, Ferozepur, against 1)Jaspal Singh son of Angrej Singh, 2)Kamaljeet Singh (present petitioner) and 3)Angrej Singh son of Mahinder Singh on the allegations that he is the proprietor of the petrol pump run in the name and style of B.D.S. Petro Point at Ferozepur City. Jaspal Singh son of Angrej Singh accused has been working as Manager on his petrol pump for the last 4 years, who used to deal with the work of collection of the sale proceeds of the petrol pump received from its customers. Kamaljeet Singh (present petitioner) is the brother-in-law (sister's husband) of Jaspal Singh accused, who has also been employed with him (complainant) for looking after his agricultural

land, situated in village Suba Qadim, District Ferozepur. Kamaljeet Singh (present petitioner) has been residing in the house constructed in his agricultural land. Accused Angrej Singh is father of Jaspal Singh and all three of them have been dealing with money received from customers of the petrol pump. One Dilbag Singh of village Dulchi Ke has been operating account with his petrol pump. A sum of Rs.4,72,000/- were due towards the said Dilbag Singh and accused Jaspal Singh received Rs.4,68,000/-from Dilbag Singh on different dates without knowledge of the complainant with an intention to cheat him with, saying that he would deposit the said amount in the account of the petrol pump. Jaspal Singh got some of the amount transferred in his account and some of the amount was received in cash. Said amount was used by all the three accused while conspiring with each other. Accused Jaspal Singh also used to deal with the reading of the pump and in all, he has committed cheating of Rs.5,98,000/- with the complainant. When he (complainant) asked Jaspal Singh to render the accounts, he fled away from the spot and switched off his mobile phone. He enquired from present petitioner Kamaljeet Singh and Angrej Singh in this regard, but since they were also conspiring with Jaspal Singh, they put off the matter on one pretext or the other. All the accused under a criminal conspiracy embezzled amount of Rs. 14 Lacs approximately.”

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.

5. The petitioner's counsel 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“ROLE OF PETITIONER

7. That so far as the role of the petitioner is concerned, he in connivance with Jaspal Singh accused embezzled huge amount of sale proceeds of the petrol pump owned by the complainant under a criminal conspiracy. The recovery of the embezzled amount is yet to be effected, for which custodial interrogation of the petitioner is required.”

8. Allegations are of embezzlement of money of the complainant firm where the co-accused were posted as servant of complainant and petitioner was in connivance with them and he was also working in the field of complainant and looked after his agricultural land. Prima facie there is allegation of embezzlement, but it is not a case for custodial interrogation. 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. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

10. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order.

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

(ANOOP CHITKARA)
JUDGE

31.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.