



207

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

CRM-M-49157-2024 (O&M)

Date of decision : 28.05.2025

Jitender Kalyan

..Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Shikha Yadav, Advocate for
Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Ankit Aggarwal, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.372 dated 23.06.2024, under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector 32-33, District Karnal, Haryana.

(2) Allegations are that petitioner duped the *de facto* complainant/respondent No.2 to the tune of Rs.4,25,000/- on the pretext of sending him abroad.

(3) Learned counsel contends that although it is alleged in the FIR that petitioner received an amount of Rs.4,25,000/- in his bank account but there is no material to substantiate the same. He has also referred to bank transaction details (P-2) to the effect that no such amount was received by the petitioner. Further contends that petitioner



was granted interim bail by the Co-ordinate Bench, vide order dated 30.09.2024 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

(4) Learned State counsel while opposing the prayer, submits that petitioner has been specifically named in the FIR and moreover, interim concession was granted only on account of the fact that petitioner shall deposit an amount of Rs.2 Lakh; but despite availing various opportunities, he has failed to do so. Similar objection has been raised by learned counsel for respondent No.2 that petitioner has not deposited even a single penny; thus, he does not deserve the concession of pre-arrest bail.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) There is no dispute that petitioner was granted interim protection by the then Co-ordinate Bench, vide order dated 30.09.2024 and the order reads as under:-

“Prayer is for grant of anticipatory bail to the petitioner under Section 482 of BNSS, 2023 in criminal case having FIR No.372 dated 23.06.2024 registered under Sections 406, 420 of IPC at Police Station Sector 32-33, District Karnal, Haryana.

Counsel for the petitioner inter alia submits that parties are having financial transactions since 2021 and the copies of the concerned bank transactions are Annexure P-2 and Annexure P-3. It is further submitted that petitioner is not running any travel agency and never received any money from the complainant on the pretext



of sending him abroad and all the allegations made in the FIR are false. It is further submitted that the petitioner is ready to join investigation with the police. Counsel for the petitioner further submits that in order to show his bona fide, the petitioner is ready to deposit some token amount, which will be subject to final decision of the case.

Notice of motion.

Mr. Ashok Kumar Sehrawat, DAG, Haryana accepts notice on behalf of the State and submits that petitioner took Rs.4.25 lakhs from the complainant on the pretext of sending him abroad but later on, he failed to do so and also misappropriated the said amount to his own use.

Mr. Ankit Aggarwal, Advocate puts in appearance on behalf of the complainant and has filed vakalatnama which is taken on record. Counsel for the complainant also supported the arguments made by the State counsel and further submits that petitioner is already involved in another 8 cases of similar nature and is in habit of duping the various persons.

Apparently, there appears to be some money dispute between the parties and petitioner is ready to deposit certain token amount.

*Now be listed on **28.11.2024.***

In view of the above, the petitioner is hereby directed to join investigation with the police and in case of arrest, he is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction, subject to deposit of Rs.2,00,000/- by the petitioner in the Court of Illaqa Magistrate with next 03 weeks. The petitioner is also to abide by the conditions as envisaged under Section 482(2) of BNSS, 2023. The aforesaid deposit will be subject to final decision of the criminal case.”



(7) Today, learned counsel for the petitioner vehemently contends that wife of the petitioner is suffering from Cancer and he is not able to arrange any money; but on merits, this Court is of the, *prima facie*, opinion that there is no material to indicate that petitioner has received any amount from complainant and hence, objection raised by learned State counsel as well as learned counsel for complainant is rejected.

(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner.

(9) Consequently, present petition is allowed; interim order dated 30.09.2024 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

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

(11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(12) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

28.05.2025

d.gulati

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No