

CRM-M-49415-2024 and connected cases
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49415-2024
Reserved on: 01.04.2025
Pronounced on: 08.04.2025

Davinderdeep Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CRM-M-63932-2024

Balwant Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-52074-2024

Ravinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-48589-2024

Kirandeep Kaur ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.P. Sandhu, Advocate
for the petitioner(s).

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Priyanshu Kamra, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
104	20.08.2024	Kot Bhai, District Sri Muktsar Sahib (Punjab)	420, 406 & 34 IPC

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1. This order shall dispose of four petitions as mentioned above. For the sake of brevity, facts have been taken from ***CRM-M-49415-2024 titled as Davinderdeep Singh vs. State of Punjab.***

2. The petitioners apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. In the bail petition(s), the accused declare that they have no criminal antecedents.

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“The brief facts of the FIR are as follow:-The present FIR has been registered on the complaint given by Harmander Singh against 4 accused namely Balwant Singh son of Balbir Singh, Ravinder Singh son of Balwant Singh. Kirandeep Kaur wife of Ravinder Singh and Davinderdeep Singh son of Balwinder Singh. The co-accused Kirandeep Kaur is daughter-in-law of the co-accused Balwant Singh, who is alleged to have worked as a sales person in the store opened by Harmander Singh. It has been alleged that Surinderjit Kaur was Proprietor of the firm S.K. Enterprises and she handed over 20 blank cheques with the serial number 026806 to 026825 to Ravinder Singh and his wife Kirandeep Kaur, so that they can purchase goods for running the store and for its maintenance. Kirandeep Kaur worked on their store for three months but then refused to return these cheques which are in their possession and they intentionally presented one of the cheque bearing number 026806 and got it dishonoured from the bank for initiating legal proceedings against their own employer. It is to state that Davinderdeep Singh has no relation with the alleged fraud done by the co-accused Balwant Singh, but he has connived with co-accused Kirandeep kaur and her husband Ravinder Singh, who is the son of Balwant Singh and has tried to cause loss to Harmander Singh and his firm.”

5. The petitioners’ counsel submits that no blank cheques are with them and in case, any blank cheque is found they will be responsible for that. On instructions counsel further submits that once he has made this statement, entire genesis of the case launched by the complainant is demolished. He further prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The State’s counsel opposes bail and submits that custodial interrogation is

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required to recover 19 cheques which are in petitioners' possession.

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

"That the petitioner has played vital role in the entire incident. The wife of the complainant Surinderjeet Kaur wife of Harmander Singh opened a store at Zirakpur Distt. SAS Nagar (Mohali). Kirandeep Kaur along with her husband Ravinder Singh and Petitioner/Davinderdeep Singh, brother-in-law of Ravinder Singh were employee at the store at Zirakpur Distt. SAS Nagar (Mohali). Surinderjeet Kaur gave 20 signed cheques to all the three persons for the running of the business. They closed the store on 18.05.2021 and submitted the GST Number. When the complainant demanded her cheques they said that they forgot where they had kept the cheques and as and when they will find the cheques they will hand it over to Surinderjeet Kaur. But on 06.05.2024, the above said Surinderjeet Kaur received a legal notice, under section 138 of Negotiable Instrument Act regarding the dishonour of the cheque no. 026806 from some Harjeet Singh son of Balvir Singh resident of Virk Kalan Bathinda. Surinderjeet Kaur was not acquainted with Harjeet Singh son of Balbir Singh in any manner.

6. That Surinderjeet Kaur handed over 20 blank cheques with the serial number 026806 to 026825 to Ravinder Singh, his wife Kirandeep Kaur and Davinderdeep Singh (present petitioner), so that they can purchase goods for running the store and for its maintenance. Davinderdeep Singh (present petitioner) worked on their store for three months but refused to return these cheques which were in their possession. At the time of receiving of the cheques Davinderdeep Singh (present petitioner) was present with co-accused Kirandeep Kaur and Ravinder Singh and remaining 19 cheques are yet to be recovered from the petitioner and co-accused."

REASONING:

8. An analysis of the arguments would lead to the outcome that once the petitioners had undertaken that in case any of the cheque as alleged in the complaint, is presented by anyone, they shall be responsible for that and the allegations are false and baseless, there is no reason for custodial interrogation. Although it is not prima facie a case where there is no evidence against the petitioners, but this Court is not considering the matter for the purpose of launching prosecution or taking cognizance or framing of charges, but is dealing with the bail petition in which petitioners are first offenders. Thus, this Court deems it appropriate that petitioners must be given chance to mend their ways and course

CRM-M-49415-2024 and connected cases correct. Considering the statement made by petitioners’ counsel and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioners are not required in any other case, the petitioners 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.

10. While furnishing a personal bond, the petitioners 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)	

11. This order is subject to the petitioners’ complying with the following terms.

12. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners shall not tamper with the evidence, 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.

14. 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

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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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioners indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the petitioners 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.

18. Petitions allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.04.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.