

CRM-M-51775-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51775-2024
Reserved on: 08.04.2025
Pronounced on: 28.04.2025

Harjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anil Chawla, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

Mr. Sidhant Vermani, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
263	04.10.2022	Division 'A' District Amritsar	420, 120 B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per custody certificate dated 07.04.2025 as well as para 19 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	175	30.10.2024	420 IPC	A Division
2	6	10.01.2025	420 IPC	Gate Hakima
3	11	19.01.2025	420 IPC	A Division
4	10	19.01.2025	420 IPC	A Division
5	256	26.09.2022	420, 34 IPC	A Division, Amritsar

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

“3. That it is submitted that registration of the aforesaid FIR No. 263/2022 (supra) was a consequence of a detailed preliminary enquiry conducted by Talwinder Singh ASI of Economic Offences Wing-1, Amritsar into the applications bearing UID No. 2209387 dated 10.12.2021 and UID No. 2218280 dated 22.12.2021 given at the office of

the Commissioner of Police, Amritsar by the complainant namely Amritjot Singh S/o Gurjant Singh R/o Village Malluwal, District Amritsar against the present petitioner Harjit Singh and Ranjit Singh Fauji S/o Kartar Singh R/o Khushipur Kotla, Amritsar, wherein it was alleged that the complainant has been duped of Rs. 06 lakhson the pretext of getting the Complainant Amritjot Singh and his sister Lovejot Kaur government service of clerk in Civil Hospital, Amritsar.

4. That it is submitted that during the course of enquiry, notices bearing no. 363-5P, dated 23.12.2021, 52-5P, dated 22.03.2022, 62-5P, dated 24.3.2022, 70-5P dated 24.03.2022, 82-5P dated 01.04.2022 and 81-5P, dated 01.04.2022 were issued to the petitioner for joining in the inquiry and producing his version, but the petitioner did not join the inquiry despite having been served upon. Besides, the Enquiry Officer made phone calls 7 to 8 times on mobile phone number 98158-57444 for joining the enquiry and producing his version, but the petitioner did not join the enquiry. In the meanwhile, the petitioner had sent text message to the then In-charge of E.O Wing-I, Amritsar that, "I am Harjeet Singh I am out of station because marriage so meet me 21 Feb 2022". The petitioner had sent one affidavit through clerk of his counsel in this regard, who did not record his statement in this respect. The petitioner had filed bail application before the Court of Ld. Sessions Judge, Amritsar and the Court of Ld. Additional Sessions Judge, Amritsar passed the order dated 14.02.2022 for issuing directions that if FIR is registered against the petitioner then 3 days notice under Section 41A Cr.P.C. be issued to the petitioner before effecting his arrest.

5. That during the course of inquiry, the statements of Complainant Amritjot Singh, Lovejot Kaur W/o Angrej Singh R/o Village Kamaalpur, Amritsar, Paramjot Singh brother of the Complainant, Gurpreet Singh @ Raju Tailor S/o Avtar Singh R/o Khushipur Kotla, Amritsar, Jatinder Singh @ Kaka S/o Jasbir Singh R/o Village Jethuwal, Amritsar, Sukhchain Singh S/o Sucha Singh R/o Village Pehalwanke, Patti, District Tarn Taran, Jarmanjit Singh S/o Pargat Singh R/o Village Kotla Khurdi Khushipur, Amritsar and Ranjit Singh Fauji S/o Kartar Singh R/o Khushipur Kotla, Amritsar were recorded by the Enquiry Officer in support of the allegations levelled in the aforesaid complaints by the complainant.

6. That it is submitted that on the basis of the detailed inquiry conducted and as per statement of the co-accused Ranjit Singh @ Fauji, it was

revealed that the Complainant Amritjot Singh was told by the co-accused Ranjit Singh @Fauji that the present Petitioner Harjit Singh would get his sister Lovejot Kaur recruited as Clerk in Civil Hospital, Amritsar. Thereafter, Ranjit Singh had taken the Complainant Amritjot Singh and Lovedeep Kaur to the present Petitioner Harjit Singh at Civil Hospital, Amritsar. The petitioner had taken photo state copies of certificates of Lovejot Kaur and the petitioner had ensured the complainant that the work of his sister with regard to the service would be done at the earliest. The complainant withdrew Rs.02 lacs from the bank account No.35798857241, SBI Branch Jethuwal of his father and Ranjit Singh had taken cash amount of Rs.02 lacs from the complainant. The Complainant Amritjot Singh himself had talked to the Petitioner Harjit Singh with regard to his service. Thereafter the Complainant Amritjot Singh withdrew cash from the account No. 5010049591992 HDFC bank, branch GopalPura on 15.03.2021 of his brother Parmjot Singh and given Rs. 02 lacs on the next day to the Petitioner Harjit Singh at his Civil Hospital, Amritsar. Thereafter the Complainant received phone call from the Petitioner that the orders regarding service had been prepared, he should give the remaining amount. Thereupon, the Complainant withdrew Rs. 02 lacs on 19.03.2021 from his account no. 32522640338 of SBI, branch Jethuwal, Amritsar and had given the same along with his brother Parmjot Singh in cash to the Petitioner at Civil Hospital, Amritsar. The Petitioner made a phone call on 02.04.2021 to the Complainant that the order for appointment of the Complainant and his sister Lovejot Kaur had been received; hence they may bring remaining amount on the next day and join their service. The Complainant withdrew Rs. 01 lac on 03/04/2021 from account no. 50100049591992 of HDFC Bank, branch Gopalpura of his brother Parmjot Singh and took Rs. 01 lac from his parent. On the same day i.e. 03/04/2021, the Complainant along with his friend Jatinder Singh had given Rs. 02 lacs in cash at Civil Hospital, Amritsar to the Petitioner Harjit Singh. As such, the Petitioner Harjit Singh had received Rs. 08 lacs from the Complainant.”

4. The petitioner's counsel submits that the alleged money taken from the complainant, had already been returned to the complainant. He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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:

“THE ROLE OF THE PETITIONER
18. That it is submitted that the present petitioner Harjit Singh in connivance with the co-accused Ranjit Singh have duped the complainant of Rs. 06 Lac on the allurement of getting government service of clerk to the complainant and his sister Lovejot Kaur at Civil Hospital, Amritsar. The petitioner had received Rs. 06 Lac in cash from the complainant and his sister Lovejot Kaur. The co-accused Ranjit Singh had also received Rs. 02 Lac from the complainant with regard to recruitment of his sister Lovejot Kaur, which was later on returned on 25.09.2021 by him.”

REASONING:

7. Anticipatory bail filed by the petitioner was allowed vide order dated 22.11.2022 subject to compliance of certain conditions and the same was cancelled due to non-compliance. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 9 of the bail petition, the petitioner has been in custody since 06.09.2024. Per the custody certificate dated 07.04.2025 the petitioner’s total custody in this FIR is 07 months & 01 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. 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)	

CRM-M-51775-2024

11. This order is subject to the petitioner's complying with the following terms.
12. 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, 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.
13. This bail is conditional, and the foundational condition is that if the petitioner 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.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner 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.
16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.04.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.