

CRM-M-53537-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53537-2024
Reserved on: 10.03.2025
Pronounced on: 25.03.2025

Lovepreet Singh @ Labbi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Bhinder, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
24	23.03.2023	City Samana, District Patiala	420, 465, 468, 471, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail second time.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the case are that above noted case FIR No.24 dated 23.03.2023, under sections 420, 465, 468, 471, 120-B IPC at Police Station City Samana, District Patiala was registered against the present petitioner as well as against Gursewak Singh son of Dilbagh Singh and Gurbhej Singh son of Dilbagh Singh on the basis of the application moved by Jaswinder Singh son of Dharam Singh (complainant), in which he stated that he has old friendly and family relations with Gursewak Singh s/o Dilbagh Singh. Above mentioned Singh Gursewak told the complainant in the month of August 2021 that he is having good links in the Government and the police officials are to be recruited in DGP quota and he asked the complainant to bring as many persons for the recruitment,

which he will get done. Gursewak Singh induced the complainant that he would charge Rs.15 Lakh for one appointment. Upon this, the complainant talked in this regard with son of his aunt (Massi) namely Sukhchain Singh son of Nachhatar Singh, resident of Village Bahmna, Tehsil Samana, District Patiala; grand-son of his aunt (Bhua) namely Avtar Singh son of Joginder Singh, resident of Village Hari Nagar Kherki, Tehsil Samana, District Patiala and one Bhavish Kumar son of Hukam Chand, resident of Village Tulewal, District Patiala to the effect that a person namely Gursewak Singh can get them recruited in Punjab Police and they would have to pay Rs.15 Lakh each, for which, they became ready and they paid Rs.45 Lakh. Out of this, he paid Rs. 12,50,000/-to Gursewak Singh and his driver Lovepreet Singh (present petitioner) through online transactions and remaining amount was paid by him in cash by visiting the house of Gursewak Singh and some amount was taken by Gurbhej Singh brother of Gursewak Singh in cash by visiting the house of the complainant. For the aforesaid transactions, Gursewak Singh also handed over three blank cheques to the complainant on the assurance that in case he could not get their work done, they may take the amount back by encashing the said cheques. Similarly, Gurbhej Singh also issued one cheque amounting to Rs.1.5 Lakh in favour of the complainant. Further, mother and sister of Gursewak Singh, namely, Gurmeet Kaur and Aman, respectively, also assured the complainant that his work will be done. Gursewak Singh also issued fake appointment letters. However, the said Gursewak Singh neither arranged job in Punjab Police for the above named persons nor returned their amounts. Thus, the accused persons had cheated the complainant and above named persons. The complainant has further prayed for taking action against the accused person.

Similarly, above said Joginder Singh son of Kirpal Singh also gave application against the petitioner and others regarding the fraud committed by them with their son. Both the above said application were duly inquired into by the senior Police Officials in a meticulous manner and a prima facie case under sections 420, 465, 468, 471, 120-B IPC was made out against the petitioner and others after obtaining a legal opinion from Deputy District Attorney (Legal), Patiala and accordingly, the FIR was registered against the petitioner and others.”

4. The petitioner's counsel 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.

CRM-M-53537-2024

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:

“That the petitioner in connivance with his co-accused Gurbhej Singh and Gursewak Singh has committed a heinous crime of cheating with the complainant party and owing to the seriousness of the offence and active participation on the part of the petitioner, he is not entitled to any kind of leniency from this Hon'ble Court.”

REASONING:

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
8. Per paragraph 6 of the bail petition, the petitioner has been in custody since 17.06.2024. Per the custody certificate dated 24.02.2025, the petitioner’s total custody in this FIR is 08 months & 04 days.
9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
10. 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.
11. 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.
12. 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)	

13. 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

CRM-M-53537-2024

circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

15. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense in which sentence is more than 3 years, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the 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 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.

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

(ANOOP CHITKARA)
JUDGE

25.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.