



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

304

CRM-M-53932-2024

Date of decision: 14th January, 2025

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Prateek Sodhi, Advocate and
Mr. Mukesh Kumar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner(s) in case FIR No. 130 dated 14.08.2024 registered under Sections 420, 380, 120-B of Indian Penal Code, 1860, at Police Station Division B, Amritsar.

2. As per the allegations, the petitioner is co-owner to the extent of 1/3 share in property measuring 258 sq. yards situated at Ghania Lal, Sultanwind Road, Amritsar. Six shops have been constructed over the ground floor portion of this property. One of this shop was taken on rent by co-accused Kanti Devi. The petitioner who is employed in Punjab Police as



Assistant Sub Inspector induced the complainant to give a sum of Rs. 27,00,000/- to Kanti Devi who was inducted as tenant in one of his shops and had given the aforementioned amount as Pagri (security/advance money), to the petitioner and his mother and assured that he would give the said shop to the complainant on monthly rent at the rate of Rs. 4,000/-. As the complainant was in need of a shop, therefore, he agreed to the inducement so made. He was made to give a sum of Rs. 20,00,000/- to accused Kanti Devi and his sons and a sum of Rs. 7,00,000/- through the mother of the present petitioner to the petitioner and his son. The aforementioned amount of money had been given by him to the mother of the petitioner. On 30.08.2022, the accused Kanti Devi vacated the shop and handed over the keys of the same to the complainant but the son of the petitioner in connivance with the latter and by extending threats snatched those keys. The complainant, on being duped of sum of Rs. 27,00,000/-, prayed for taking action in the matter. Investigation is underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 10.10.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He has no role to play in the alleged occurrence. He is not beneficiary of any money received at the hands of the complainant. The money by the complainant if any, has been given to the co-accused Kanti, his sons Deepak, Suraj and to co-accused Jagjit Kaur i.e. his mother and not



to him. He is not signatory of document qua rent of any shop in favour of the complainant. The relation of the petitioner with his mother are strained and civil litigation is pending between them. Therefore, there is no question of his conniving with his mother. The complainant has already compromised with the co-accused Jagjit Kaur and a petition for quashing of the FIR on the basis of compromise has already been filed. The ingredients for commission of subject offences are not made out against him. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation would not serve any purpose. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail. In support of his contention, learned counsel for the petitioner has placed reliance upon the judgment dated **02.01.2025** passed in ***SLP (Criminal) 2184 of 2024*** titled as '***B.N. John Vs. State of Uttar Pradesh and another***'.

4. Status report has been filed by respondent-State. It is submitted therein and it is argued by learned **State counsel** that there are specific allegations against the petitioner. The petitioner in connivance with his mother and other co-accused had induced the complainant to enter into an agreement with the co-accused Kanti Devi and Jagjit Kaur to take a shop jointly owned by him on rent on payment of Rs. 27,00,000/- as advance (*Pagri*) by inducing the complainant to do so and by making him part with aforementioned amount. He, however, is alleged to have not allowed the complainant to take possession of the said shop and is further caused loss to the tune of Rs. 27,00,000/-. It is argued that keeping in view the gravity of the allegations so levelled and further the fact that no exceptional



circumstance is made out, the petitioner does not deserve to be extended benefit of pre-arrest bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have induced the complainant to part with a sum of Rs. 27,00,000/- on the pretext of giving a shop jointly owned by him, on rent to him on payment of monthly rent besides the aforementioned amount as Pagri/advance money and is further alleged to have made the complainant part with the aforementioned amount with a dishonest intention. As per the further allegations, after vacation of the shop by the co-accused Kanti, the petitioner did not hand over the possession of the above said shop to the complainant and rather broke open the lock of the same and committed theft of the property belonging to the complainant. There are specific and grave allegations against the petitioner. He might not have directly received any amount of money from the complainant but the allegations *prima facie* suggest his connivance in the commission of the aforementioned offences. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory



bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th January, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No