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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.59905 of 2024
Date of Decision: 28.02.2025

Harjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Swati Batra, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
175	30.10.2024	Division A, District Amritsar	420 of IPC

2. Adumbrated facts as emanating from the record are that the aforementioned FIR had been registered against the petitioner on the basis of an order passed by Ms. Ankita Gupta, Judicial Magistrate, Amritsar to the effect that the petitioner who was an accused in case bearing FIR No.263 dated 04.10.2022 registered under Sections 420 read

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with Section 120-B of IPC at Police Station A Division, Amritsar, had moved an application for pre arrest bail before this Court. He was granted interim bail subject to compliance of certain conditions. He was directed to deposit demand draft for a sum of Rs.6 lakhs before the trial Court or before Chief Judicial Magistrate, Amritsar. He deposited the same and was granted interim bail on 22.11.2022. The said order had been made absolute on 21.12.2022. The petitioner had joined investigation. He had moved an application before the High Court for revalidation of demand draft deposited before the trial Court. The High Court vide order dated 15.04.2024, had given direction to the trial Court to return the original demand draft to the petitioner with further direction to the latter to deposit a new demand draft. The new demand draft was accordingly deposited by the petitioner on 13.06.2024.

3. As per the further allegations, Ahlmad of the trial Court had presented the demand draft for encashment and for converting the amount thereof into yearly fixed deposit scheme in some Nationalized Bank but it was revealed that the petitioner had got the new demand draft cancelled on 13.06.2024 itself by making a request that the said demand draft had been lost from his custody and then the amount of the demand draft was again transferred to his saving bank account. As the petitioner had done this act to cheat the Court, therefore, direction had been issued for registration of FIR as against the petitioner. The aforementioned FIR was accordingly registered. Investigation proceedings were initiated. The petitioner was

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formally arrested in this case on 11.11.2024 after issuance of production warrants as he had been taken into custody in case bearing FIR No.263 of 2022 and is in custody since then. Investigation stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in case bearing FIR No.263 as a counter blast to FIR bearing No.57 dated 05.06.2022 and FIR No.265 dated 07.11.2021 registered against the complainant of FIR No.263. Though he had not taken any amount of money but had still deposited amount of Rs.6 lakhs in compliance of order of the Court. He is in custody since long now. Trial is likely to take time. No recovery is to be effected from him. His further detention would not serve any purpose. The subject offence is triable by Magistrate. Therefore, it is urged that he deserves to be released on bail.

5. Custody certificate has been filed by the respondent-State. Status report has already been filed. Learned Deputy Advocate General, Punjab has argued that there are serious allegations against the petitioner as he hoodwinked the Court itself by depositing demand draft of Rs.6 lakhs before it but then getting the same cancelled on that very date when it was issued and getting the amount of the said demand draft transferred to his saving bank account. He has criminal antecedents since he is involved in two more cases of similar nature. There are chances of his absconding if extended benefit of bail. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is argued that he does not deserve to be released on bail.



5. I have heard learned counsel for the parties at considerable length and have gone through the record.
6. The petitioner is alleged to have cheated the trial Court before which he was directed to furnish a demand draft for a sum of Rs.6 lakhs as a condition for grant of interim bail as ordered by this Court. Investigation has concluded. Trial will take time. Registration of other FIRs against him cannot be considered to be a ground for denial of benefit of bail to the petitioner. Keeping in view the above facts but without meaning to make any comment on the merits of the case, I am of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

28.02.2025
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Whether speaking/reasoned
Whether reportable

(MANISHA BATRA)
JUDGE

Yes/No
Yes/No