



CRM-M-59043-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-59043-2024 (O&M)
Date of Decision: 31.01.2025

Jameel Khan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sahil Siddharth Jain, Advocate, for
Mr. Dhiraj Jindal, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to
the petitioner in FIR No.62 dated 22.04.2024 (P-1), under Sections 406, 506 and
120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police
Station Sadar Dhuri, District Sangrur.

2. Status report by way of affidavit dated 29.01.2025 of Mr. Mandeep
Singh, PPS, Superintendent of Police, Sub Division Dhuri, District Sangrur on
behalf of respondent-State has been filed and the same is taken on record. Copy
supplied to the other side.

Registry to tag the same at appropriate place.

3. Allegations are that petitioner along with co-accused gave a cheque
of Rs.15 lakh as security and also promised to give some amount in cash for
getting one Mare (female horse) and on this pretext an agreement was executed by
the petitioner on 26.05.2023; but he failed to honour the commitment.

4. Contends that petitioner was granted interim bail by Coordinate
Bench, vide order dated 26.11.2024 and in pursuance thereof, he has already
joined investigation; hence, his custodial interrogation is not required.



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5. The above factual position is not disputed by learned State Counsel, on instructions from investigating officer.
6. Heard learned Counsel for the parties and perused the paper-book.
7. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 26.11.2024 and the order reads as under:-

“The prayer in this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for grant of anticipatory bail to the petitioner in case FIR No.62 dated 22.04.2024 under Sections 406/506/120-B of IPC, 1860 registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1).

Learned counsel for the petitioner inter alia submits that the complainant sold one mare and one calf to co-accused Manpreet Singh, who issued cheque of Rs.15 lacs as security with the promise to pay the amount in cash but he failed to pay the same. The role of the petitioner is that he has only taken the responsibility for the payment of the price of the animals sold.

Notice of motion.

On asking of the Court, Ms. Manjot Kaur, AAG, Punjab appears and accepts notice on behalf of the respondent-State and seeks time to file status report. A copy of the paper book be supplied to her during the course of the day.

Learned State counsel submits that the complainant entered into compromise at the behest of the petitioner and he is actually involved in the same.

Keeping in view the fact that the petitioner is not the beneficiary and has only taken the responsibility for payment of the consideration amount of the sale of mare and calf, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482 (2) BNSS:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Adjourned to 31.01.2025.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite”.

- 8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.
- 9. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 26.11.2024 is made absolute subject to the conditions as envisaged under Section 482(2) of ‘BNSS’.
- 10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- 11. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.
- 12. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

31.01.2025

(MAHABIR SINGH SINDHU)
JUDGE