

2025:PHHC:026745



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

CRM-M No.60401 of 2024

Date of Decision: 25.02.2025

Reserved on: 21.02.2025

Love Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Sachdev, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail as filed by the petitioner in case arising out of FIR No.8 dated 14.02.2024 registered under Sections 406 and 420 of IPC at Police Station Lambra, District Jalandhar Rural. His previous petition bearing CRM-M No.18930 of 2024 had been dismissed by this Court vide order dated 15.07.2024.

2. The petitioner has been booked for and is facing trial for commission of aforementioned offences on the allegations that he duped the complainant of a sum of Rs.1,97,000/- on the pretext of arranging bank loan for him for buying a house. He was arrested on 18.02.2024 and is in custody since then. The operative part of the order dated 15.07.2024

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as passed in CRM-M No.18930 of 2024 is reproduced as under as the same is relevant:-

“6. The petitioner is alleged to have duped the complainant of a sum of Rs. 1,97,000/- by deceiving him on the pretext of providing loan to him and getting a house purchased for him. He is alleged to have criminally misappropriated the amount of money obtained by way of loan in the name of the complainant. Though it has been submitted that he has been acquitted in some of the cases and one of the FIRs registered under Sections 420 read with Section 120-B of IPC stands quashed, however, the record nonetheless clearly shows that the petitioner has criminal antecedents. The allegations against the petitioner are serious in nature. The material witnesses are yet to be examined. Complaint has already been filed by the complainant that he has criminally intimidated his family members subsequent to lodging of FIR of this case. As such the plea as taken by the complainant that the petitioner may intimidate him, if extended benefit of bail during trial cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations levelled against the petitioner, his criminal antecedents, chances of his intimidating the witnesses and the attendant facts and circumstances of the case but without meaning to make any comments on the merits thereof, I am inclined to hold that he does not deserve to be extended benefit of bail at this stage. Hence, his plea for bail is rejected and the petition is dismissed.”

3.

It was argued by learned counsel for the petitioner that there is

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change in the circumstances since the date of dismissal of his previous petition as on 15.07.2024 since the challan has been presented in this case and the complainant has also been examined. He has been acquitted in seven of the cases as registered against him and is on bail in some of these cases. It is also submitted that the trial is likely to take time. His involvement in other cases cannot be considered to be a ground to deny benefit of bail to him. Therefore, it was urged that he deserves to be released on bail at this stage.

4. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Punjab had argued that since the previous petition as filed by the petitioner had been dismissed on merits by passing a detailed order, therefore, he does not deserve to be extended benefit of bail as no ground has been made out for that purpose.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner is in custody for a period of more than one year. His previous petition had been dismissed by observing that there were several other cases of similar nature against him. It has been revealed that he has been acquitted in seven of such cases and has been extended benefit of bail in most of the other cases. The complainant has also been examined now. Therefore, there are no chances of his being intimidated by the petitioner. The trial is likely to take time. The subject offences are triable by Magistrate. Keeping in view the above discussed facts and circumstances, this Court is of the considered opinion that the petitioner deserves to be

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released on bail at this stage. 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.

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

25.02.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No