

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

2025:PHHC:031447



(223)

CRM-M-59745-2024

Date of Decision: 05.03.2025

Harpal Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Mohit Giri, Advocate,
Mr. Shivam Grover &
Mr. Anshul Manchanda, Advocate for petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

Mr. Bharat Bhardwaj, Advocate for the complainant.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of anticipatory bail under Section 482 of BNSS, 2023 in case FIR No.94 dated 18.03.2024 under Sections 420, 120-B IPC (Sections 467, 468, 471 IPC added later on), registered at Police Station, Shivaji Nagar, District Gurugram.

On the last date of hearing, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned State counsel, on instructions from ASI Parveen, has submitted that no doubt, there are no specific allegations against the petitioner of having lured the complainant into investing any sum of money in an agricultural land, however, the petitioner was the real brother of prime accused Pooja, who had lured the complainant into investing more than Rs.5 crores in agricultural land. It has also been

submitted that the prime accused Pooja had transferred an amount of Rs.38 lakhs out of the allegedly cheated amount of Rs.5 crores into the account of the petitioner which was subsequently withdrawn also by him. Learned State counsel has further submitted that recovery of Rs.38 lakhs is to be effected from the petitioner and hence, his custodial interrogation would be necessitated. It has also been submitted that one of the co-accused Sanjay Jorwal had also approached this Court seeking the concession of anticipatory bail which was dismissed vide order dated 04.07.2024.

Learned senior counsel appearing on behalf of the petitioner, while controverting the instructions and submissions made by the counsel for the State, has submitted that firstly the petitioner is not identically placed as co-accused Sanjay Jorwal; there were allegations that co-accused Sanjay Jorwal was a business partner of prime accused Pooja and had also mortgaged jewellery purchased by accused Pooja and furthermore, he was a beneficiary of the transaction in question as there was a transaction of Rs.73 lakhs into his bank account by prime accused Pooja. Learned senior counsel has further submitted that no such allegations have been attributed against the petitioner except that his sister, that is the prime accused, had transferred some amount of money out of the allegedly duped amount into his account. It has further been submitted by the learned senior counsel that prime accused Pooja has already been extended the concession of regular bail, hence, in the circumstances, the custodial interrogation of the petitioner would not be necessitated, more so when he has no previous criminal antecedents.”

Learned counsel for the petitioner submits that in compliance of order dated 19.12.2024, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In view of the above, the petition is allowed and interim order dated 19.12.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

(MANJARI NEHRU KAUL)
JUDGE

05.03.2025
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No