



CRM-M-59755-2024
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Decided on: 07.01.2025

Jagseer Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
95	29.04.2022	Bhawanigarh, District Sangrur	420, 465, 467, 468, 471 & 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That pursuant to the said order, it is submitted that the factual matrix pertaining to present case is that, FIR no. 95 dated 29.04.2022 u/s 420,465,467,468,471 and 120-B IPC P.S. Bhawanigarh was registered against 1) Senior Constable Jarnail Singh IC/426 1st. Commando 2) Binder Kaur @ Rano wife of Senior Constable Jarnail Singh residents of Paroche Niwas, Neelkanth, P.S. Bhawanigarh and 3) Jagseer Singh (present petitioner) Ex. Sarpanch son of Jagtar Singh resident of Kheri Chandwan, P.S. Bhawanigarh on the basis of inquiry conducted in the applications bearing no. 9157/P dated 07.08.2021, 9409/P dated 13.08.2021. 9592/P dated 18.08.2021, 9801 dated 24.08.2021 and 10602/P dated 14.02.2024 submitted by Jaswinder Singh son of Balvir Singh resident of house no. 62, sector 2 block-C, Master Colony, Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib, and the inquiry

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report of the Incharge, Investigation Wing, Police Lines Sangrur duly forwarded by DSP (Detective), Sangrur and approved by SSP Sangrur. That, the brief facts of said applications are that the complainant is employed as computer teacher in a private school and his maternal grandparent's house is situated at village Rampura, where his maternal uncle (mama) namely Avtar Singh is residing, who is a carpenter and used to work in the house of Jarnail Singh, due to which, good relations have been developed between them.

Jarnail Singh is a senior constable in police department and has to visit Chandigarh for his official duties. Jarnail Singh offered a proposal to his uncle that he is also doing the work of providing government job for an amount of Rs. 3 lacs in lump-sum, regarding which, his uncle told him by reposing confidence in said Jarnail Singh and he agreed to the proposal.

On 21.10.2020, he contacted Jarnail Singh as per assurance of his uncle, upon which, he demanded relevant documents and Rs. 1,50,000/- in advance and remaining amount after providing joining letter. On 31.10.2020, at about 7.30 A.M, the complainant along-with his uncle visited the house of Jarnail Singh and handed over the documents and amount of Rs. 1,50,000/- to him, who further handed over this amount to his wife Bhinder Kaur and assured the complainant to provide job in narcotic cell within 10/15 days. The said conversation was recorded by the complainant in his mobile. On 15.11.2020, Jarnail Singh informed telephonically regarding remaining amount of Rs. 1,50,000/- in lieu of joining letter.

On 01.12.2020, the complainant paid the remaining amount of Rs.1,50,000/- at his house and the complainant waited at bus stand Chandigarh from 10.30 A.M for taking joining letter as agreed and at about 8.30 P.M, Jagseer Singh, Ex-Sarpanch along-with two other persons came there and handed over joining letter and when the complainant tried to capture the same in his mobile phone, they raised objection, upon which, the complainant was having suspicion. The complainant could not read the said letter due to dark. On 04.01.2021, after due enquiry, the complainant came to know that the said letter is bogus one and has been prepared after editing. The accused persons were dillydallying the matter on one pretext or the other and ultimately refused to return the amount. Upon these allegations, present FIR was registered against Senior Constable Jarnail Singh 1C/426 1st Commando, Binder Kaur @ Rano wife of Senior Constable Jarnail Singh and Jagseer Singh Ex. Sarpanch.”

4. Petitioner’s counsel submits that it was a money dispute and the matter has been compromised between the parties vide Agreement at Annexure P-3. Counsel further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

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6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“7. A Role of the petitioner Jagseer Singh

The present FIR was registered against accused/petitioner Jagseer Singh and his 2 other co-accused, on the basis of application submitted by Jaswinder Singh and the inquiry into said applications as inquiry conducted by Incharge, Investigation Wing, Police Lines, Sangrur and approval given by the S.S.P., Sangrur. During investigation, it was duly substantiated that accused/petitioner and his other co-accused in connivance with each other have cheated the complainant for providing job in the Government Department for an amount of Rs. 3 lac, but neither they provided job, nor returned his amount. Rather accused/petitioner and his co-accused gave a fake appointment letter to the complainant regarding the Govt. job. So, a specific role is attributed to the petitioner in the commission of present offence.

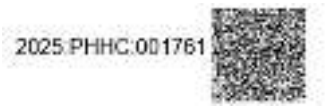
B. Prima facie Evidence against the present petitioner.

The present FIR was registered against accused/petitioner Jagseer Singh by name and his 2 other co-accused. The complainant gave an amount of rupees 1,50,000/- to the accused/petitioner and his other co-accused on 31.10.2020. Thereafter another amount of rupees 1,50,000/- was given by the complainant to the accused on 01.12.2020. This amount was received by the accused under the pretext of providing Government job to the complainant, but the appointment letter as handed over (given) by the present petitioner in connivance with the co-accused to the complainant was found to be fake/forged document.

Neither the complainant was provided job as per the assurance given by them, nor returned his money, rather on demanding the money back they refused to return the same. There is sufficient evidence on record against the petitioner/accused.”

7. I have gone through the reply and perusal of the same reflect that factum of compromise between the parties is not denied. Although the offence is serious but the factum of compromise has put doubt on initial story.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-



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trial incarceration.

9. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. A perusal of the reply does not point out the steps taken to arrest the accused.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, factum of compromise and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,



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influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

Copy of this order be sent to the complainant.

(ANOOP CHITKARA)
JUDGE

07.01.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.