

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 201+connected matter

Date of Decision: *March 25, 2025*

1.

Criminal Miscellaneous No.M-65516 of 2024

Harpreet Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

2.

Criminal Miscellaneous No.M-64873 of 2024

Gurmukh Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: - Mr. Arjun Kapoor, Advocate, for the petitioner(s).

 Mr. Amandeep Singh, DAG Punjab.

SANJAY VASHISTH, J (Oral)

Prayer in the petition (CRM-M-65516 of 2024), filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harpreet Singh	214	05.11.2024	406, 420 IPC	Sadar Khanna	Khanna

2. On 26.12.2024, following order was passed:-

“Prayer in this petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita,2023 is for grant of



anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 406 and 420 IPC, in a case arising out of FIR No.214, dated 05.11.2024, registered at Police Station Sadar Khanna, District Khanna.

Learned counsel for the petitioner submits that admittedly the 'bailer machine' was purchased in the name of the petitioner and the same was taken by the petitioner to Uttar Pradesh with the consent of the complainant for expanding business activities.

Learned counsel for the petitioner further submits that the allegations against the petitioner is that three tractors and one 'bailer machine' has not been returned by the petitioner, therefore, the allegation is of committing the offence of criminal breach of trust, which is triable by the Court of learned Magistrate.

Learned counsel for the petitioner also submits that the co-accused i.e. the father of the petitioner has already been granted the concession of ad-interim anticipatory bail by this Court. Learned counsel for the petitioner submits that the petitioner is ready and willing to settle the dispute with the complainant.

Notice of motion.

On advance notice, Mr. P.S. Bhandari, AAG-cum-PP, Punjab appears on behalf of respondent/State and prays for time to file status report.

List on 05.03.2025.

In the meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall be abide by all the conditions laid down under Section 438(2), Cr.PC.

Besides, petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the country, he would seek prior permission from the Investigating Agency/concerned Court."

3. Similarly, in the connected petition (CRM-M-64873 of 2024) filed by Gurmukh Singh, interim direction to stay of arrest, subject to joining



investigation was passed vide order dated 20.12.2024, which reads hereunder:-

“Petitioner Gurmukh Singh has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail in FIR No.214 dated 05.11.2024 (Annexure P-1), under Sections 406 and 420 of Indian Penal Code, 1860, registered at Police Station Sadar Khanna, District Khanna.

Learned counsel for petitioner argued that as per contents of FIR all the allegations are levelled against Harpreet Singh who is son of present petitioner. Petitioner has nothing to do with the facts narrated in the FIR. He is always ready and willing to join the investigation.

Notice of motion.

On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State and prays for an adjournment to file status report.

Adjourned to 25.02.2025, for filing status report.

Considering the facts narrated in the FIR, arrest of present petitioner-Gurmukh Singh is stayed, subject to joining his investigation.”

4. Learned counsel for the petitioners in both the cases states that both the petitioners have joined investigation and fully co-operated. He further submits that in fact, petitioners were alleged to be in possession of two tractors only and the same have been returned to the complainant, namely, Gurmeet Singh. The ‘bailer machine’ in fact belongs to petitioner-Harpreet Singh and it is purchased in his name only. He also contended that the complainant and petitioners are relatives of each other, and no question of commission of criminal breach of trust or cheating would arise at the instance of the petitioners against a relative.

5. On the other hand, learned State counsel does not dispute the fact that petitioners have joined the investigation and two tractors have been



returned back. He could not give any special reason warranting the custodial interrogation of the petitioners.

6. Heard learned counsel for the parties.

7. Since the petitioners have joined the investigation and custodial interrogation is no more required, also the fact that two tractors have also been returned to the complainant, present petitions are allowed and ad-interim orders dated 26.12.2024 and 20.12.2024, passed by this Court are hereby made absolute.

However, petitioners shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

8. Besides, it is directed that petitioners would hand over their passports to the Investigating Agency or to Court concerned, if they possess. Otherwise, would submit an affidavit, disclosing the fact that they do not possess any passport.

It is also directed that before leaving country any time during trial, petitioners would seek prior permission of the Court.

10. Accordingly, petitions stand disposed of.

11. Photocopy of this order be placed on the connected file.

(SANJAY VASHISTH)
JUDGE

March 25, 2025

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Whether Speaking/ Reasoned:

Whether Reportable:

Yes/ No

Yes/ No