



CRM-M-65493-20241

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

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CRM-M-65493-2024

Decided on: 27.02.2025

Gurpreet Singh Chahal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mandeep Singh, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Saurav Bhatia, Advocate for the complainant.

SANJAY VASHISTH, J.

1. Prayer in this petition, 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
Gupreet Singh Chahal	0160	21.09.2024	420 IPC	City Nawanshahar, SBS Nagar, Punjab

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 offence punishable under Section 420 IPC, in a case arising out of FIR No.0160, dated 21.09.2024, registered at Police Station City Nawanshahar, SBS Nagar, Punjab.



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Learned counsel for the petitioner submits that the allegation against the petitioner is that he received Rs.10,00,000/- (Rupees ten lacs) from complainant-Ramandeep Singh and the said amount was later transferred in the Bank account of the main accused-Ajay Gupta. By referring to the order dated 27.11.2024 (Annexure P-4), learned counsel for the petitioner submits that admittedly investigation has already been joined by the petitioner, however, on subsequent date, on account of non-appearance of the counsel for the petitioner, the anticipatory bail application was dismissed in default by the Sessions Court, hence petitioner is before this Court.

Notice of motion.

Mr. P.S. Bhandari, AAG-cum-PP, Punjab, accepts notice on behalf of respondent-State. He does not dispute the factum of joining of investigation by the petitioner as pointed out by the counsel for the petitioner during his submissions, however, learned State counsel submits that the amount is yet to be recovered.

List on 27.02.2025.

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 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. Learned counsel for the petitioner submits that though the petitioner had already joined investigation, even at the time of the pendency of his application for anticipatory bail before the Court of Sessions, yet again in pursuance to the directions of this Court, petitioner again went to the police station on his own to join investigation and to submit his required documents. He also submits that complainant namely; Ramandeep Singh Thiara has already compromised the dispute, in whose account the major part of the amount was credited, thus, submits that custodial interrogation of the petitioner would not serve any

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purpose of the prosecution and therefore, seeks confirmation of the interim bail.

4. On the other hand, learned State counsel while opposing the prayer of the petitioner submits that though petitioner had gone to the police Station, but he did not hand over the required documents such as Passport etc. Thus, demands for his custodial interrogation.

5. Learned counsel for the complainant also opposes the prayer for anticipatory bail and submits that actually there is no compromise with main accused namely, Ajay Gupta, therefore, prays for dismissal of the present petition.

6. I have considered the submissions and perused the order dated 27.11.2024 (P-4) passed by learned Sessions Judge, SBS Nagar, whereby anticipatory bail application of the petitioner was dismissed on account of absence of the petitioner's counsel. For reference, order dated 27.11.2024 is reproduced herebelow:

“Present: None for applicant-accused.

Sh. Ashok Kumar, Addl. Public Prosecutor for State.

*Sh. Suresh Kataria, Advocate, counsel
for the complainant*

*Today, again none has come present on behalf of
applicant-accused, despite repeated calls.*

*Applicant-accused has already joined the investigation and
statement of ASI Surinder Kumar No.58/BSN, was recorded in
this regard on 21.11.2024, when also none had appeared on
behalf of applicant-accused.*

*The bail application is therefore, dismissed in default
for non-prosecution, without prejudice, however, to
compliance, by the investigating agency with the directions,
issued by the Hon'ble Apex Court in the case “Arnesh Kumar
Vs. State of Bihar” 2014 8 SCC 273.*

**CRM-M-65493-2024****4***File be consigned to record room.**Date or order: 27.11.2024**Priya Sood
Sessions Judge, SBS Nagar
UID No. PB00065."*

While noticing the statement of Investigating Officer-ASI Surinder Kumar, No.58/BSN, it has been recorded in specific by learned Sessions Judge, SBS Nagar, that petitioner has already joined the investigation.

7. Taking into consideration the said aspect and the fact that petitioner has joined the investigation, learned State counsel is not able to point out anything in specific, requiring need for custodial interrogation of the petitioner. Therefore, present petition is allowed and orders that ad-interim order dated 26.12.2024, passed by this Court is hereby made absolute.

8 However, petitioner 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.

9. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

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

10. Disposed of.

27.02.2025
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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**