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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-66357-2025 (O&amp;M)

Date of decision : 23.12.2025

MADAN SAINI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Rimple Saini, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

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**MANISHA BATRA, J. (ORAL)**

1. The instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of anticipatory bail in case arising out of FIR No.114 dated 05.09.2025 registered under Sections 420 and 120-B of IPC registered at Police Station Mohkampura, District Amritsar.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant-Puneet Khanna alleging that he knew the petitioner, his brother and other family members from the last 20-25 years and there were good family relations between them. The petitioner in connivance with Pooja Saini and brother Vinod Kumar Saini had allured the petitioner by assuring that they could provide a franchise of Haldi Ram Sweets in his favour and had told the complainant that he would have to spend an amount of Rs.25 lakhs for

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that purpose. They had even assured to help the complainant financially for that purpose. On being so induced, the complainant deposited an amount of Rs.19,40,000/- in the bank account of the petitioner and the co-accused during the period from December, 2023 to March, 2024. In April, 2024, he came to know that Vinod Kumar Saini, brother of the petitioner and his wife Pooja Saini had run away from their house and when the complainant demanded his money, the petitioner told him that money would be given to him only on return of the co-accused Vinod Kumar Saini and Pooja Saini. However, subsequently on their return, they did not give back his money and rather started extending threats to him. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 01.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated, in this case. In fact, he had friendly relations with the complainant from the last 20-25 years. On asking of the complainant, his brother Vinod Kumar Saini had joined business of money lending alongwith the complainant. Several transactions had taken place between the co-accused Vinod Kumar Saini and the complainant, in this regard. The petitioner had no role to play in the same. He himself was in dire need of a sum of Rs.1,00,000/- on 27.02.2024 for the purpose of purchasing a house and had borrowed the

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same from the complainant on payment of interest @ 4% per month. An amount of Rs.96,000/- was transferred by the complainant in the bank account of the petitioner through UPI payment. He had returned the entire borrowed amount via online payment. Nothing was to be paid by him. He had no other role to play. The co-accused Pooja Saini, who is wife of the co-accused Vinod Kumar Saini has been extended benefit of pre-arrest bail by the Court of learned Additional Sessions Judge, Amritsar. He too deserves to be extended the same benefit. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, thus, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner as he alongwith the co-accused had induced the complainant to part with a sum of Rs.19,40,000/- on the premise of getting franchise of Haldi Ram issued in his favour but had neither returned the amount of money so received nor got any such franchise issued. An amount of Rs.96,000/- was transferred in the bank account of the petitioner. His custodial interrogation is required for conducting thorough investigation in the matter. No case for grant of pre-arrest bail is made out. It is, therefore, stressed that the petition does not deserves to be allowed.

5. This Court has heard the rival submissions made by learned counsel for both the parties at considerable length.

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6. The petitioner alongwith the co-accused is alleged to have duped the complainant of a sum of Rs.19,40,000/- on the premise of getting franchise of Haldi Ram issued in favour of the complainant. An amount of Rs.96,000/- was transferred in his account through UPI. His claim is that he had borrowed aforementioned amount from the complainant and had returned an amount of Rs.43,900/- through online payment. In view of the nature of the allegations as levelled by the parties against each other, it is a matter of trial as to whether the ingredients for commissions of offence punishable under Section 420 of IPC are attracted in this case or not? The case is based on documents. For the purpose of investigation, custodial interrogation of the petitioner is not required. Pre-trial incarceration even otherwise should not be a replica of post-conviction sentencing. Given the nature of the allegations as levelled against the petitioner, the part attributed to the petitioner and the above discussed facts, this Court is of the opinion that he has made out a case for grant of pre-arrest bail in his favour. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrendering before the Investigating Officer/Arresting Officer and joining investigation within a period of 10 days from today and further subject to his furnishing personal as well as surety bonds to the satisfaction of the Investigating Officer/Arresting Officer and also joining investigation as and when required till conclusion of the investigation proceedings. He will also not tamper with any evidence, will not pressurize, induce, extend threats to any

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witness acquainted with the facts and circumstances of the case, will not leave the country, during investigation and trial of the case, except after seeking permission from the trial Court, shall disclose the details of his Aadhar Card No., Passport No., cellphone No., while furnishing bond to the learned trial Court and shall also abide by all the terms and conditions as envisaged under Section 482(2) of BNSS.

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

8. It is clarified that if the petitioner violates any bail condition, the State shall be at liberty to file an application for cancellation of the bail before the trial Court.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)**  
**JUDGE**

**23.12.2025**  
**Amit Sharma**

**Whether speaking/reasoned:- Yes/No**  
**Whether reportable:- Yes/No**