



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

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CRM-M No.16227 of 2026 (O&M)

Date of Decision :25.03.2026

Ashwani Kumar**.....Petitioner****Versus****State of Punjab and another****..... Respondents****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

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

SURYA PARTAP SINGH, J. (Oral):

By virtue of order dated 20.12.2025 the learned Additional Sessions Judge, Jalandhar has allowed the application of respondent No.2 for anticipatory bail. The petitioner, who is complainant in the above mentioned case is aggrieved of the above mentioned order, and therefore, he has filed the present petition for cancellation of bail.

2. Briefly stating the facts emerging from record are that the FIR No.133 dated 02.11.2025, for the commission of offence punishable under Sections 406 and 420 of Indian Penal Code, Police Station Division No.3, Jalandhar, came into being at the instance of 'Ashwani Kumar' (petitioner herein), who had alleged that in the month of November-December 2022, the respondent No.2 along with co-accused 'Mintu Sasmul', had approached the petitioner and pledged 540 grams of gold jewellery, falsely representing the same to be 22 carats Hallmark Gold. As per complainant in return of above mentioned 540 grams of jewellery the respondent No.2 and his co-accused had induced the petitioner to lend 210 grams of 24 carat pure gold. It is the claim of the petitioner that later on when the quality of jewellery pledged by the



respondent No.2 was checked it was found to be fake and counterfeit.

3 With regard to above mentioned FIR the respondent No.2 had approached the Court of learned Additional Sessions Judge, who by virtue of above mentioned order, hereinafter being referred to as 'impugned order' only, accorded the benefit of bail to the respondent No.2.

4 Heard.

5 It has been contended on behalf of the petitioner that in the present case there are three different aspects which have been completely ignored by the Court of Sessions, which warrants the withdrawal of the benefit of anticipatory bail accorded to the respondent No.2. According to learned counsel for the petitioner:

firstly, because there was a false recital in the bail application that the respondent No.2 was not previously known to the petitioner

secondly, because the learned Court of Sessions ignored the fact that the recovery of case property had not taken place and for that purpose custodial interrogation of the respondent No.2 was necessary; and

thirdly, because the learned Court of Sessions ignored the gravity of the offence which involved cheating of 210 grams of gold.

6 The record has been perused carefully.

7 In the present case at the very outset, it is pertinent to mention here that offence for which the respondent No.2 has been prosecuted i.e. offence under Section 406 and 420 IPC, is triable by the Court of Magistrate, and the maximum punishment prescribed for the commission of offence is imprisonment up to 7 years. In addition to above, it is also relevant to note that the learned Court of Sessions has exercised its jurisdiction while extending the benefit of anticipatory bail to the respondent No.2 and there is



no cogent reason to interfere in the impugned order. The records also shows that there is nothing on record to show that the respondent No.2 has any criminal antecedents otherwise also for the loss caused to the petitioner he can seek civil remedy; and the allegations with regard to concealment of facts can be determined by accepting the evidence only.

8. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby observed that no ground for cancellation for bail is made out and the present petition, being devoid of merit, deserves dismissal. Hence, the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

25.03.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No