

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:069156



(145)

CRM-M-19642-2026 (O&M)
Decided on: 05.05.2026
Uploaded on: 05.05.2026

Kapil Seth

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. Archit Rana, Advocate, for the petitioner (s).

Mr. Adhiraj Singh, AAG, Punjab.

Sumeet Goel (Oral):

1. This petition for pre-arrest bail is the first petition filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in a case arising out of FIR No.0017 dated 21.02.2025, registered for the offences punishable under Sections 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar Sangrur, District Sangrur.

2. On 09.04.2026, the following order was passed:

“1. This petition for pre-arrest bail is the first petition filed by the petitioner under Section 482 of ‘the Bharatiya Nagarik Suraksha Sanhita, 2023’. It has been filed with regard to a case arising out of FIR No.0017 dated 21.02.2025, for the commission

of offence punishable under Sections 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Sadar Sangrur, District Sangrur.

2. The abovementioned FIR came into being at the instance of 'Sukhdev Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 04.11.2024, the petitioner had approached him for a job as Manager in his marriage palace, and that he (complainant) had agreed to employ him. According to complainant it was settled that initially the petitioner would work from 10.11.2024 to 30.11.2024, against a remuneration of Rs.7,000/-, and that Rs.10,000/- was paid to the petitioner in advance.

3. It was further alleged by the complainant that the petitioner had introduced a person namely 'Shehzad Zaidi', to him, and projected that he was a professional decorator. As per complainant since there was need of decoration in the marriage palace, the complainant on the recommendation of petitioner engaged 'Shehzad Zaidi' (co-accused) for the decoration work of the above-mentioned property. As per complainant to carry out the above-mentioned work, as demanded by 'Shehzad Zaidi', a sum of Rs.1,90,000/- was paid to him. The complainant further alleged that 'Shehzad Zaidi' failed to meet his commitment and did not carry out decoration work in the marriage palace, and thus, he (complainant) was cheated by the petitioner and his co-accused ('Shehzad Zaidi').

4. It shall not be out of place to mention here that the complainant had admitted that out of Rs.10,000/- paid by him to the petitioner Rs.6500/- had already been returned to him, by the petitioner, through google-pay.

5. It is the case of the prosecution that in view of abovementioned complaint, formal FIR of this case was lodged and the investigation taken up.

6. Notice of motion.

7. Mr. Eklavya Darshi, Deputy Advocate General, Punjab, appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

8. Heard.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:

- i. that the offence is triable by the Court of Judicial Magistrate;
- ii. that maximum punishment prescribed for the commission of abovementioned offence is imprisonment upto seven years;
- iii. that the only allegation against the petitioner is that a sum of Rs.10,000/- was paid to him as an advance towards his employment, for the period of 10.11.2024 to 30.11.2024;
- iv. that as per contents of the FIR a sum of Rs.,1,90,000/- was paid to Shehzad Zaidi, who was introduced to the complainant by the petitioner, who failed to meet his commitment with regard to decoration of marriage palace of the complainant;
- v. that the contents of the FIR itself shows that out of Rs. 10,000/- received by the petitioner, Rs.6500/- have already been returned through google-pay;
- vi. that the trial is not likely to be concluded in near future;
- vii. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- viii. that there is nothing on record to show that while on interim anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix. that there is nothing on record to show that while on interim anticipatory bail, the petitioner will not participate/cooperate in the investigation.

11. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby held that the petitioner is entitled for interim anticipatory bail.

12. Thus, it is hereby ordered that in the event of his arrest, the petitioner shall be released on interim anticipatory bail on furnishing bonds to the satisfaction of arresting officer. The petitioner shall join the investigation as and when called by the

Investigating Officer. He shall abide by the terms and conditions as envisaged under Section 482(2) of the BNSS, 2023.

13. List on 05.05.2026.

14. Let status report and detailed reply, if any, be filed by the State by next date.

15. To be shown in urgent list.”

3. Learned State counsel has filed status report by way of affidavit Deputy Superintendent of Police, Sub-Division, Sangrur on behalf of the respondent-State of Punjab. Same be kept on record. A copy of the same has been furnished to learned counsel for the petitioner. Learned State counsel (on instructions) has submitted that the petitioner has joined investigation but his custodial interrogation is required for effecting the recovery of the misappropriated sum of money in question.

4. Having heard learned counsel for the rival parties and upon perusal of the record; especially keeping in view the factum of the petitioner having joined investigation & cooperated therein and his custodial interrogation being sought for recovery of the misappropriated sum of money in question; this Court is inclined to confirm the order dated 09.04.2026.

4.1. *Ergo*, the petition in hand is allowed and the order dated 09.04.2026 is made absolute.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

8. Pending application(s), if any, shall also stand disposed off.

05.05.2026

Naveen

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No