



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

210

**CRM-M-69401-2025(O&M)
Date of decision : 21.01.2026**

Javed Khan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

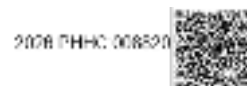
Present: Mr. Manish Soni, Advocate and
Mr. Rohit Singh, Advocate for the petitioner.

Ms. Deepali Verma, AAG Haryana.

SURYA PARTAP SINGH, J. (Oral)

1. For the commission of offence punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023, the FIR No.173 dated 15.11.2025 has been lodged in Police Station Sadar Jagadhri, District Yamuna Nagar. In the abovementioned case, the petitioner is apprehending arrest, and therefore, for the benefit of anticipatory bail he has approached this Court by virtue of present petition under Section 482 of BNSS.

2. In nut-shell, the facts emerging from record are that in the FIR, the allegations against the petitioner are that for the purpose of milling paddy, the petitioner had entered into a contract with the complainant and that under the abovementioned agreement when paddy was entrusted to the petitioner, he misappropriated the same and failed to return the requisite



quantity of rice. In view of abovementioned shortfall it has been alleged that the petitioner has cheated the complainant.

3. Heard.

4. It has also been contended by learned counsel for the petitioner that a agreement between the parties is there and pursuant to abovementioned contract, the recovery proceedings have already been initiated by the complainant. As per learned counsel for the petitioner, under the garb of contract between the parties even the sheller of the petitioner, i.e. 'Kisan Rice Mill' has already been attached. It has been further contended by the learned counsel for the petitioner that the dispute between the parties is of civil nature.

5. The learned State Counsel while referring to the reply filed by the State has contended that the allegations against the petitioner are for the commission of offence of serious nature, and that for the purpose of discovering the source where the misappropriated property has been supplied, the custodial interrogation of the petitioner is required. It has also been contended by the learned State Counsel that the petitioner does not have clean antecedents as he has been prosecuted for similar type of offences earlier also, and in one of such case he was even convicted.

6. The record has been perused carefully.

7. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i. that the offence is triable by the Court of Judicial Magistrate;



- ii. that *prima facie* the dispute between the parties is with regard to recovery of money, due to shortfall in the supply of rice after milling by the petitioner, and for that purpose civil remedy has already been availed by the complainant;
- iii. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- iv. that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- v. that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

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

9. In view of the abovementioned discussion, it is hereby held that the present petition deserves to be allowed. Hence, the same is hereby **allowed**, and the petitioner is accorded the benefit of anticipatory bail. It is hereby directed that in the event of his arrest, the petitioner shall be released on bail on furnishing bonds to the satisfaction of Arresting Officer. The petitioner is further directed to join investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

21.01.2026

Vinod

(SURYA PARTAP SINGH)
JUDGE

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