



CRM-M-3106-2025

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

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**CRM-M-3106-2025 (O&M)  
Date of Decision: 02.04.2025**

Balwinder Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU****Present:** Mr. Pawan Attri, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Manmohan Saroop, Advocate and  
Ms. Meenakshi Saroop, Advocate for the complainant.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No. 03 dated 05.01.2025 (P-1), under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Pehowa, District Kurukshetra.

2. Allegations are that petitioner in connivance with co-accused cheated complainant to the tune of Rs.4,50,000/-, on pretext of sending him abroad, but failed to do so.

3. Contends that petitioner was granted interim bail by this Court, vide order dated 21.01.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.



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4. The above factual position is not disputed by learned State Counsel, on instructions from ASI Singara Ram and submits that his custodial interrogation is not required “at this stage”.

5. Learned counsel for the complainant vehemently opposed the prayer while submitting that allegations against the petitioner are serious in nature; hence, he does not deserve the concession of pre-arrest bail.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that petitioner was granted interim bail by this Court, vide order dated 21.01.2025 and the order reads as under:-

*“Contends, inter alia, that no money from the complainant was received by the petitioner.*

*Notice of motion.*

*Mr. Kiran Pal Singh, learned AAG, Haryana accepts notice on behalf of respondent; seeks time to have instructions and/or to file written response in the matter.*

*Posted for 04.03.2025.*

*In the meanwhile, petitioner shall join investigation before the Investigating Officer, but he be not arrested till the next date of hearing.”*

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

9. Although learned counsel for complainant has opposed the prayer; but contention to that effect is liable to be rejected for the reason that very basis for such a transaction is having no sanctity in the eyes of law. Apart that State is not asking for custodial interrogation of the petitioner.

10. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 21.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS.

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11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

12. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

13. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

**02.04.2025**

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)****JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No