



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

228

CRM-M-63567-2024

Date of Decision: 18.03.2025

Naveen Goyal and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Godara, Advocate for the petitioners.

Mr. Sukhdev Singh, A.A.G, Punjab.

Mr. H.S. Rakhra, Advocate, Mr. Pankaj Singla, Advocate and
Mr. Prince Sharma, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
257	14.11.2024	Kotwali, District Patiala	420 & 506 IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the case are that the present case was registered on the basis of application moved by complainant Vipin Kumar and Raman Kumar sons of Ved Parkash against Kamlesh Rani and Naveen Goyal with the allegations that applicants-accused entered into agreement with them to sell their plot measuring 291.45 Sq. Yards at the rate of Rs. 11,000/- per sq. Yards for a total sum of Rs. 32,05,950/- vide agreement dated 3.3.2022 and received Rs. 10,00,000/- as earnest money on 03-03-2022 by cheques and cash i.e. 4,00,000/ vide cheque no. 616083 of Punjab National bank Branch A Tank, Patiala, Rs.4,00,000/vide Cheque no. 179384 of Punjab National Bank Branch A Tank, Patiala, and Rs. 2,00,000/ in cash. The said agreement to sell was signed as a witness by Naveen Goyal Petitioner. The date of execution and registration of sale deed was fixed for 16.3.2023 but it was extended on the request of Petitioners-accused Kamlesh Rani for 5.7.2023 and 20.6.2024 and it was agreed upon by the accused Petitioner no.2 that the sale deed will be got executed up-till 19-06-2024. But the



applicants-accused did not execute any sale deed in favour of the complainants rather Kamlesh Rani got executed the registered sale deed of the plot in question in favour of one Vinod Kumar Singla on 09-06-2023 knowingly that she had already executed an agreement to sell of the said plot with the complainant party and accused Naveen Goyal put attestation as witness on the said sale deed. It is further averred by the complainant that when they demanded their money back from accused then accused flatly refused to repay the amount. Thereafter, complainant moved application to the police.

4. That it is worthwhile to mention here that on the basis of application moved by Vinod Kumar and Raman Kumar complainants to Senior Superintendent of Police, an enquiry was marked to the, then Deputy Superintendent City-1 Patiala. During enquiry, the then Deputy Superintendent City-1 Patiala recorded the statements of Vinod Kumar which was concurred and countersigned by Raman Kumar, Statements of Sanjeev Gupta son of Pushpinder Kumar and Harish Kumar son of Sh. Ram Lal who were the witnesses to the agreement to sell dated 03-03-2022. The then Deputy Superintendent City-1 Patiala also took into possession copy of agreement to sell and sale deed executed by Kamlesh Rani in favour of Vinod Kumar Singla on 09-06-2023.”

4. Counsel for the petitioners submits that order dated 10.03.2025 has been complied with and petitioner No. 1 has filed an affidavit for declaring his assets. Original copies of affidavit have been supplied to State counsel and counsel for the complainant. Copy of the same filed today in the Court. He further prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that matter is civil in nature, amount was taken as loan and the same has been returned to complainant-firm and referred para No.7 of petition and Annexure P-3, complaint filed against petitioner No.2.

5. The State’s counsel opposes bail and refers to the reply. Counsel for the complainant also opposes bail.

6. It would be appropriate to refer to the following portions of the reply dated 06.01.2025, which read as follows:

“5. That it is pertinent to mention here that Naveen Goyal had appeared before the deponent and took time for 06-05-2024 but after that neither Naveen Goyal nor Kamlesh Rani appeared despite the notices sent to them. Copy of acknowledgment is Annexure R1. Hence finding no other way after having gone through the record, the then Deputy Superintendent City-1 Patiala sent his report to the Senior Superintendent of Police with



the recommendations that both the accused after hatching a conspiracy had cheated the complainants to the tune of Rs. 10,00,000/ and have also threatened them of dire consequences in case they demanded their money back. Copy of enquiry report is attached as Annexure R2/T.”

REASONING:

7. Order dated 10.03.2025 has been complied with, matter appears to be civil in nature, complainant may proceed to recover his amount by filing civil suit. therefore, no ground is made out to deny bail to the petitioners. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioners' complying with the following terms.

12. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody



for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.03.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.