



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

CRM-M-8102-2025 (O&M)

Date of decision: 13.05.2025

Manish

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- None for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana for respondent No.1.

None for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.17 dated 21.01.2023, under Sections 406 & 420 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station City Dadri, District Charkhi Dadri.

(2) Status report by way of an affidavit dated 10.05.2025 of Sh. Dheeraj Kumar, DSP (HQ), Charkhi Dadri, along with Annexure R-1, on behalf



of respondent No.1 has been filed. The same is taken on record. Copy thereof be supplied to the opposite side during the course of the day. Registry to tag the affidavit at appropriate place.

(3) Allegations are that petitioner as well as his father cheated *de facto* complainant while mortgaging land in favour of complainant knowing fully well that they have already sold the same to some other person.

(4) Learned State Counsel, on instructions from ASI Vijender submits that petitioner was granted interim bail by Coordinate Bench, vide order dated 14.02.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(5) Heard learned State Counsel and perused the paper-book.

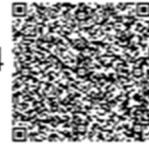
(6) It transpires that petitioner was granted interim bail by Coordinate Bench, vide order dated 14.02.2025 and the same reads as under:-

“Prayer is for grant of anticipatory bail to the petitioner under Section 482 of BNSS, 2023 in criminal case having FIR No.17 dated 21.01.2023 registered under Sections 406 and 420 of IPC at Police Station City Dadri, Charkhi Dadri.

In compliance of the previous order, copy of the concerned mortgage deed is produced by the State Court and the same is taken on record.

Counsel for the petitioner while referring to the said mortgage deed submits that in case the contents of the same are presumed to be correct, then also the said document is to be considered as a loan agreement executed by the petitioner in favour of the complainant in order to secure the loan of Rs.10,00,000/- availed by the petitioner from the complainant.

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That any breach of the said loan agreement entails civil liability only. Counsel for the petitioner further submits that the complainant has already filed suit for recovery of the aforesaid loan of Rs.10,00,000/- against the present petitioner in the Court at Charkhi Dadri. Meaning thereby that even complainant has admitted that the dispute between the parties is primarily of civil nature. Counsel for the petitioner further submits that petitioner, who is having no criminal history is ready and willing to join investigation with the police.

The State counsel on instructions from ASI Vijender has resisted the present petition and submits that the petitioner defrauded the complainant of Rs.10,00,000/- by inducing the complainant to hand over Rs.10,00,000/- to the petitioner against the aforesaid loan agreement dated 23.06.2020. It is further submitted that the aforesaid amount has been misappropriated by the petitioner and petitioner has also committed cheating against the complainant and that the petitioner is required by the police for the purpose of proper investigation of the case.

Apparently, there appears to be some dispute between the parties with regard to repayment of certain loan by the petitioner and with regard to recovery of the said loan, complainant has already filed civil suit.

In light of the aforesaid facts and circumstances of the case, the petitioner is hereby directed to join investigation with the police and in case of arrest, he is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner is to abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.

Now be listed on 13.05.2025.”

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(7) 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.

(8) 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 14.02.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

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

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

(11) 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.

13th May, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>