

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:042145



(211)

CRM-M-63495-2024
Decided on : 27.03.2025

Devender SinghPetitioner(s)
Versus
State of HaryanaRespondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. Gaurav Mohunta, Advocate &
Mr. Nishant Arora, Advocate for the petitioner (s).

Mr. Arjun Lakhanpal, Addl. AG, Haryana.

Mr. Yashveer Kharb, Advocate for the complainant.

Sumeet Goel (Oral):

1. Apprehending his arrest in FIR No.376 dated 22.11.2024 registered for offences punishable under Sections 406, 420 IPC registered at Police Station City Munak, District Karnal; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. On 18.12.2024, the following order was passed:-

“Apprehending his arrest the petitioner has filed this petition under Section 482of BNSS for grant of anticipatory bail in case bearing FIR No.376 dated 22.11.2024 under Sections 406 and 420 of IPC registered at Police Station Munak, District Karnal.

2. Learned counsel for the petitioner submits that the allegations against the petitioner are that he, in connivance with his friend Sobha Singh, defrauded the complainant of

Rs.19 lakh under the garb of selling a 12-wheeled container vehicle. It is contended that the FIR has been lodged after an inordinate delay of 2 ½ years from the date of the incident and 1 ½ years after the filing of the initial complaint. Furthermore, the petitioner had already been exonerated in the complaint on 30.06.2023, and now, based on the same set of allegations, the present FIR has been registered

3. Notice of motion.

4. Mr. Anmol Malik, DAG, Haryana waives service of notice on behalf of the respondent-State and seeks time to file reply.

5. List on 11.02.2025.

6. In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 482 (2) of BNSS, 2023:-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the Court..”

3. On 11.02.2025, the following order was passed:-

Status report by way of an affidavit of Mahabir Singh, HPS, Deputy Superintendent of Police, Assandh, Karnal filed on behalf of the State is taken on record and copy thereof is supplied to counsel for the petitioner.

Learned State counsel on instructions from SI Shri Bhagwan submits that no doubt the petitioner has joined investigation with the police but is required by the police for the purpose of further investigation of the case.

In light of the above, the petitioner is hereby directed to join further investigation with the police on 24.02.2025.

Now be listed on 27.03.2025.

Interim order to continue till the next date of hearing.”

4. Learned State counsel (on instructions from SI Shree Bhagwan) submits that the petitioner has joined investigation and not required for custodial interrogation.

5. At this stage, learned counsel for the complainant has also vociferously opposed the grant of anticipatory bail to the petitioner by submitting that allegations made against the petitioner are serious in nature and in case the petitioner is extended the concession of anticipatory bail, there is likelihood that the petitioner may influence the investigation and also the witnesses.

6. Having heard learned counsel for the rival parties and after perusing the record; keeping in view the facts/circumstances of the case, especially keeping in view the factum that the petitioner has joined investigation and is not required for custodial interrogation, this Court deems it appropriate to confirm the interim bail.

7. *Ergo*, in view of the entirety of the facts and circumstances of the case, the order dated 18.12.2024 granting interim anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

8. 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.

9. 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.

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

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

March 27, 2025
Naveen

(SUMEET GOEL)
JUDGE

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