



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

314

CRM-M-3748-2024

Date of decision: 23rd January, 2025

Lovepreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jagdish Singh Mahal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Abnas Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Present petition has been filed seeking anticipatory bail to the petitioner in case bearing FIR No. 20 dated 12.03.2023 registered under Sections 420 and 120-B of Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Tibber, District Gurdaspur.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR had been registered on the complaint of Balwinder Masih, making allegations that the petitioner and the co-accused induced him to part with a sum of Rs. 2,47,000/- on the pretext of sending his son abroad. His son was, however, not being sent anywhere after receipt of the aforementioned amount. The petitioner along with the co-accused had given a cheque on the insistence of the complainant but the same was dishonored.



After registration of FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 08.08.2023.

3. On 13.02.2024, the petitioner was directed to join investigation and certain directions were given to him. The relevant part of this order is reproduced as under:-

“However, considering the instructions of the counsel for the petitioner that a conditional order be passed, the petitioner is directed to join investigation on 20.02.2024 at 11:00 AM before the Investigating Officer and cooperate with the Investigating Agency, and deposit at least an amount of Rs. 1,00,000/- at the time of joining of investigation and in case, he does the same, he shall be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) of Cr.P.C.

It is open to the petitioner to remit the balance amount to the complainant during the pendency of the petition and only on his entire payment to the complainant, his anticipatory bail will be made absolute.”

4. On 05.04.2024, the petitioner informed that he had deposited an amount of Rs. 1,00,000/- in compliance of order dated 13.02.2024 and sought one month's time to deposit remaining amount of Rs. 1,30,000/-. Since it was observed earlier that he had given a cheque for a sum of Rs. 2,00,000/- to the complainant, an opportunity was given to him for this purpose. A demand draft of an amount of Rs. 50,000/- had been given to Investigating Officer, subsequently. The matter had been sent to Mediation



and Conciliation Centre. Matter could not be settled between the parties. An amount of Rs. 1,00,000/- which was lying deposited with the Investigating Officer had been given to the complainant as on 09.09.2024.

5. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, he was never indulged in the business of travel agent. It was monetary dispute between the parties. He has already joined the investigation and is rather ready to join further investigation. His custodial interrogation is not required. The dispute between the parties is of civil nature. As such, it is urged that he deserves to be extended benefit of pre-arrest bail.

6. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant that the petitioner along with the co-accused Balwinder had duped the complainant of an amount of Rs.2,47,000/- on the pretext of sending his son abroad. He has infact given back only an amount of Rs. 1,00,000/- to the complainant. There are serious allegations against the petitioner. He is involved in another case of similar nature which has been registered at Police Station Ghumman Kalan. His custodial interrogation is required for thorough investigation of the matter by the police. No extra ordinary circumstance for grant of anticipatory bail has been made out in his favour. Therefore, it is urged that the petition is liable to be dismissed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

8. The allegations against the petitioner are that by hatching a



conspiracy with the co-accused, he had induced the complainant to part with an amount of Rs. 2,30,000/- on the pretext of sending his son abroad with dishonest intention to cause wrongful loss to the complainant and for his own wrongful gain. He has returned an amount of Rs. 1,00,000/- to the complainant during the pendency of this petition. The nature of the allegations are such which require proper probe into the matter by the investigating agency to elicit the truth about the manner in which the subject offences had been committed by the petitioner. The case is still at its nascent stage. No exceptional circumstance for extending benefit of pre-arrest bail is made out in favour of the petitioner, who even otherwise has criminal antecedents. Taking all the above discussed facts into consideration but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*