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

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**CRM-M No.46151 of 2024
Date of decision: 23.07.2025**

Sanjeev Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sunny K.Singla, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. J.P.S. Sandhu, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
153	30.08.2024	Civil Lines Patiala, District Patiala	406 and 420 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis

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of a complaint lodged by the complainant Sarabjit Kaur Sandhawaliala on the allegations that she was a retired Professor. She had deposited sale proceeds of her house in her bank account opened at State Bank of India, Dheri Branch, Patiala. The petitioner who claimed himself as Senior Agency Manager of SBI Life, used to visit her college when she was performing her job as a professor and also used to tell her about various investment schemes. The complainant had started trusting him. The petitioner had also come to know that she had deposited the sale proceeds of her house in her SBI bank account. He allured the complainant and her children to invest that money in different schemes. His wife and himself also represented to the complainant that they were associated with different Government approved chit fund/investment companies as partners and induced her to invest money through them. Believeing them, the complainant invested her money in various chit fund companies/investment companies and a sum of Rs.1,10,15,000/- was so invested. She received some amount in her bank account after sometime. However, when no money was received by her after 2020, she made inquiries from the petitioner. The petitioner initially made excuses and then started putting of the matter and also stopped to attend her calls. By alleging that he had caused wrongful loss of huge amount of money to her, she prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been

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initiated and are underway. The petitioner had moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order datd 09.09.2024.

4. After filing of the instant petition, the Coordinate Bench of this Court vide order dated 17.09.2024 directed the petitioner to join investigation and he was ordered to be released on interim bail subject to that. The petitioner has joined investigation. However, since it was submitted on behalf of the respondent-State as well as complainant that the petitioner was required for further investigation, therefore, he was asked to join the same time and again. Lastly, he joined investigation on 13.05.2025.

5. It is argued by learned counsel for the petitioner that he has joined investigation multiple times. Infact, it is a case of counterblast since he has filed a suit for recovery of money as against the complainant and infact it is the complainant who has to return an amount of Rs.27 lakhs to him. His custodial interrogation is not required. No recovery remains to be effected from him. No purpose would be served by detaining him in custody. The case is of civil nature which has been given a criminal colour. It is, therefore, urged that the order for grant of interim bail deserves to have become absolute.

6. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that the

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petitioner does not deserve to be given concession of pre arrest bail as there are serious allegations against him. He has cheated the complainant by inducing her to part with a huge amount of money on the pretext that the same would be invested in chit fund companies and could fetch huge profits. However, only a meager amount was returned to her. The petitioner has also misappropriated her money. For effecting recovery of the same, his custodial interrogation is must. No exceptional circumstance for grant of bail is made out in his favour. It is, therefore, urged that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to have induced the complainant to invest money in different chit fund companies and policies. He has joined investigation. It has also come on record that prior to lodging of the FIR of this case, he had filed a suit for recovery of money as against the complainant and the same is pending. It is a debatable question as to whether the ingredients for commission of offences under Sections 406 and 420 of IPC which are antithesis to each other are attracted or not? The case is based on documentary evidence. The custodial interrogation of the petitioner is not required. As such, in the considered opinion of this Court in the given nature of the allegations, a case for grant of pre arrest bail is made out in favour of the petitioner. Accordingly, the petition is allowed and the order dated 17.09.2024 is made absolute subject to the

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compliance of the conditions laid down in Section 482(2) of BNSS.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.07.2025

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(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No