

2025:PHHC:071980



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

**CRM-M-29660-2025  
DECIDED ON: 27.05.2025**

**SIRAJ AHMAD**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Piyush Sharma, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

**1. Prayer**

The jurisdiction of this Court has been invoked for the 2<sup>nd</sup> time under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 114, Dated: 26.05.2024, U/ss: 406, 420 IPC, Polic Station Division 8, District Police Commissionerate (Jalandhar) (Annexure P- 1) as a pure civil dispute arising out of business dealing with regard to sale contract of steel scrap (Annexure P-2) has been given criminal cloak to twist the arms of the Petitioner making him to agree the terms of the informant of the present FIR.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*“In reference of application number 204/PC Dated 11.04.2024, the contents of the same are as thus, "To the Hon'ble Commissioner of Police, Jalandhar. Subject :- Application regarding committing*

*cheating by Siraj Ahmad (96430-24474) and Manoj Dhiman (92159-14016) for an amount of Rs. 10,10,000/-. Respected Sir, It is requested that I, Rajinder Chopra s/o Sh. Balak Ram Chopra r/o House no. 3, New Suraj Ganj, Jalandhar deal in steel scrap. My godown M/s Jal International is situated at Plot No. 141, Transport Nagar, Police Station Division No.08, Jalandhar. Manoj Dhiman s/o Krishan Gopal Dhiman r/o House no.12, Shanti Nagar, District Panipat who is acquainted to me and he earlier also arrange scrap for me from different places. On 10.10.2023 Manoj Dhiman and Siraj Ahmad came to my office at godown M/s Jal International, Plot No. 141, Transport Nagar, Police Station Division No.08, Jalandhar and they told that they were having steel scrap which is kept lying at Ghaziabad Railway Station, they will give me the entire scrap. Manoj Dhiman had got me arranged scrap earlier also therefore I posed faith upon Manoj Dhiman and finalized the deal and on the asking of Manoj Dhiman and keeping faith upon Siraj Ahmad made a transaction of Rs. 10,000/- from my account to Siraj Ahmad on his mobile no. 96430-24774 on 10.10.2023 while sitting in my office through online mode. The entire conversation had taken place in the presence of my friend Naresh Kumar Bajaj s/o Surinder Kumar r/o House no. 135, Basant, City Ludhiana and in his presence I had transferred the first payment of Rs.10,000/- to the account of Siraj Ahmad while sitting on my office. Thereafter, Siraj Ahmad s/o Aladiya r/o House no. 118, Gausala Road, District Ghaziabad and Manoj Dhiman s/o Krishan Gopal Dhiman r'o H. No. 12, Shanti Nagar, District Panipat called me at Railway Station Ghaziabad on 02.12.2023 and at shown me the consignment of steel scrap lying at the Railway Station Ghaziabad and the rate was finalized @ Rs.35 per kg. Regarding this Siraj Ahmad and Manoj Dhiman had obtained a cheque from me dated 05.11.2023 amounting Rs.5 lacs bearing cheque no. 000648. Thereafter I visited Ghaziabad receive the consignment on 04.11.2023 but the material was not ready and I came back then I received a call of Manoj Dhiman from Panipat that you transfer Rs.5 lacs to Siraj Ahmad, the guarantee of the same would be*

*mine. On 07.11.2023 I had transferred Rs.5 lacs to Raj Central Company owned by Siraj Ahmad. I gave Rs.5 lacs in cash to Siraj Ahmad and Manoj Dhiman on 20.11.2023 in Ghaziabad and I am having agreement regarding the same and the said amount of Rs.5 lacs in cash was given in the presence of Naresh Bajaj s/o Sh. Surinder Kumar r/o House no. 135, Nirmal Enclave, District Ludhiana and they had given me assurance that we will give your material within 15 days after getting its ready but they did not supply any material and whenever I make call to Siraj Ahmad then he used to tell me to talk to Manoj Dhiman in this regard. I also contacted to Manoj Dhiman and also took him to Ghaziabad on 06.01.2024 and Naresh Bajaj also with me. We went to the shop of Siraj Ahmad. Where Siraj Ahmad and Manoj Dhiman told me that we will return your 10 lacs rupees within 15 days. But despite I had made several calls to Siraj Ahmad but his phone is switched off. I request you that Siraj Ahmad and Manoj Dhiman have committed cheating upon me by obtaining Rs.10,10,000/- showing me steel scrap but not supplying to same me. Kindly FIR may kindly be registered in police station Division no. 8, Commissionerate Jalandhar for offence u/s 406, 420 IPC and justice may kindly be provided to me. I shall be thankful to you. Sd/-”*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that the dispute is essentially civil in nature, arising out of a contractual obligation, and has been given a criminal colour by way of registration of the present FIR. Counsel also submits, on behalf of the petitioner, that he is ready and willing to join the investigation and cooperate with the Investigating Agency.

Notice of motion.

**On behalf of the State/complainant**

On the asking of Court, Mr. Jastej Singh, Addl. AG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner had cheated the complainant off Rs.10,10,000/- and had entered into agreement with the complainant for sale of scrap.

**4. Analysis**

Be that as it may, after giving due consideration to the submissions made hereinabove particularly the fact that the question as to whether a criminal offence has been committed, upon examining the essential ingredients required to constitute offences under Sections 406 and 420 of the IPC, is yet to be determined and shall be adjudicated during the course of trial proceedings it is noted that if any documents are required for the purpose of investigation, the petitioner undertakes to join and cooperate in the investigation to ensure that the final report is submitted by the Investigating Agency within the prescribed time, this petition deserves to be allowed.

**5. Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

*‘When the High Court or the Court of Session makes a direction under subsection (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

*(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*

*(ii) a condition that the person 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;*

*(iii) a condition that the person shall not leave India without the previous permission of the Court;*

*(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**27.05.2025**

*Meenu*

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*