

232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29413-2025
Reserved on : 01.07.2025
Pronounced on: 18.07.2025

AMANDEEP KAMBOJ @ AMAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
60	24.05.2024	Vairoke, District Fazilka	420/406 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraphs 22, 23 and 24 of the bail application, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	40	14.04.2014	420/120-B/506/201 IPC	City-II, Abohar
2.	69	05.05.2014	420/465/467/468/471/120-B IPC	Cantt, Ferozepur
3.	122	31.05.2014	420/406/506 IPC	Sadar, Fazilka

2. The facts and allegations are being taken from the order dated 14.05.2025 passed by the Judge, Special Court, Fazilka, which reads as follows:

"xxx xxx xxx xxx

2. Perusal of record reveals that complainant Jarnail Singh son of Sohan Singh has got registered the present case with the allegations that applicant-accused Amandeep Kamboj @ Aman along-with Satbeer committed fraud with the complainant. Accused assured the complainant to provide employment in Punjab Police to his son-in-law as sub inspector, against payment of Rs.85 Lacs. Neither son-in-law of the complainant was provided employment in the Punjab Police nor said amount of Rs.85 Lacs was returned to the complainant. Pursuant to enquiry on aforesaid application, FIR was registered in the matter against applicant-accused Amandeep Kamboj @ Aman and co-accused Satbeer Singh.

Statedly, during enquiry on the application, complainant Jarnail Singh recorded his statement to the effect that his close family associate Jugraj Singh son of Malkit Singh contacted him in the February-2018 and told that applicant-accused Amandeep Kamboj @ Aman was well connected with senior police officers and Jugraj Singh was in touch with him for recruitment of son of Jugraj Singh as sub inspector against payment of Rs.70 Lacs and had already paid Rs.25 Lacs while remaining 45 lacs would be paid after selection list is declared. Jugraj Singh reverted after some days and stated that applicant- accused Amandeep Kamboj stated that only one seat was left and son-in-law of the complainant could be got recruited as sub inspector against payment of Rs.85 Lacs. In March-2018 amount of Rs.85 Lacs was arranged by the complainant and he went to the village of accused Satbeer along-with Jugraj Singh and Satbeer received said amount while sitting in car make Verna, colour white, outside his house. When nothing materialized for a long time regarding recruitment of son-in-law of the complainant, the complainant and Jugraj Singh, contacted the applicant-accused and accused Satbeer, but no concrete response was received and the accused kept giving false assurances. Complainant and Jugraj Singh made inquiries and came to know that accused had committed similar frauds with many other people."

3. The petitioner counsel pray for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He also seeks bail on the ground of parity with the co-accused-Satbir alias Satbeer, who was granted pre-arrest bail by this Court in CRM-M-37293-2024, decided on 27.09.2024 (Annexure P-4). He further submits that petitioner is behind bars from the last more than eleven months.

4. The State's counsel opposes bail on instructions.

REASONING:

5. There was a 6 years delay in reporting the matter because, as per Column 2 of the bail petition, the time of the incident is mentioned as 01.02.2018. Although, there is sufficient prima facie evidence connecting the petitioner with the alleged offense. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Petitioner's custody in this FIR is 11 months and 23 days and co-accused already granted benefit of bail. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

6. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order

shall come into force from the time it is uploaded on this Court's official webpage.

7. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

8. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

9. This order is subject to the petitioner's complying with the following terms.

10. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

18.07.2025
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No