



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

211

CRM-M-19766-2025 (O&M)
Date of decision: 02.05.2025

Davinder Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Baljeet Beniwal, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory
bail in FIR No.42 dated 27.02.2025 under Sections 316(2), 318(4),
351(2) of the Bharatiya Nyaya Sanhita, 2023 (*erstwhile Sections 406,
420, 506 of the Indian Penal Code, 1860*), registered at Police Station
Sadar Kaithal, District Kaithal.

On 09.04.2025, the following order was passed by this
Court:-

XX XX XX XX
*Learned counsel for the petitioner, inter alia,
contends that the petitioner received Rs.6.00 lakhs from the
complainant through Google Pay/Phone Pay and he
returned the amount in question to the complainant itself.
The complainant has manipulated the real facts and*



aggravated the allegations. The petitioner is having clean antecedents and is not involved in any other case.

As per the case set up by the prosecution, the complainant paid Rs.45.00 lakhs in cash to the petitioner, which is not permissible. No source of such huge amount, given in cash, has been disclosed in the FIR (supra).

Notice of motion.

Ms. Geeta Sharma, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Baljeet Beniwal, Advocate appears on behalf of the complainant and files his Vakalatnama in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned counsel for the complainant opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner has cheated the complainant on the pretext of sending him abroad. He has sold his 2.5 acres of land for arranging the money. Further, the petitioner has admitted to have received more than Rs.50.00 lakhs. The modus operandi adopted by such persons, indulged in human trafficking, for receiving entire amount in cash is to be ascertained.

Adjourned to 02.05.2025.

In compliance thereof, status report by way of affidavit of Bir Bhan, Deputy Superintendent of Police (Headquarter) Kaithal, has been filed in the Court today, which is taken on record.

Learned counsel for the complainant submits that the petitioner has interacted with the complainant on WhatsApp in which he has admitted about the receipt of amount, in question and he has further sought time to pay the same and has agreed that he is in a position to pay Rs.25.00 lacs immediately. The complainant has handed over the transcripts of the WhatsApp chat to the investigating officer.



The petitioner's own admission is sufficient to establish his involvement in the alleged offence.

In view of the serious nature of the allegations and the overall facts and circumstances of the case, this Court does not find any justifiable ground to grant the concession of anticipatory bail to the petitioner.

Accordingly, the petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

02.05.2025
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No