

CRM-M-30087-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30087-2025
Reserved on: 09.07.2025
Pronounced on: 31.07.2025

Chetan Goyal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurdarshan Singh, Legal Aid Counsel,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
268	14.09.2023	Zirakpur, District SAS Nagar	420, 406, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 11 of the bail application and as per paragraph 9 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	107	14.10.2023	406, 420, 506, 120-B IPC	Julkan, Distt. Patiala
2.	150	14.09.2023	420 IPC	Mansa City, District Mansa
3.	226	19.07.2023	406, 420, 467, 468, 471, 120-B IPC	Tripatri Patiala, District Patiala
4.	313	25.09.2023	406, 420, 465, 468, 471, 120-B IPC	Tripatri Patiala, District Patiala
5.	146	24.07.2021	406, 420, 506, 120-B IPC	Urban Estate, Patiala, Distt. Patiala
6.	46	2024	-	Julkan, Patiala
7.	209	2024	-	Tripatri Patiala, District Patiala
8.	62	2024	-	Tripatri Patiala, District Patiala
9.	266	2024	-	Tripatri Patiala, District Patiala

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That the present FIR no. 268 dated 14.09.2023 under section 406, 420, 120-B of IPC was registered against the petitioner and his father Narinder Kumar on the basis of the statement of complainant Sukhwinder Singh.

3. That the complainant in his aforesaid statement had broadly stated that on 09.06.2023, the complainant met with the Chetan Goyal/the Petitioner in Zirakpur. Chetan Goyal/the Petitioner offered him to give Canadian dollar at the rate of Rs.57 per Dollar and demanded advance payment for the same and also assured to deliver the dollars after two days. The complainant further stated that he paid amount of Rs.22,80,000/- (Rupees Twenty-Two Lakhs Eighty Thousand only), for Forty Thousand Canadian Dollars in the presence of Advocate Chaudhary Karamjeet Singh and Bikramjit Singh Bhullar. After two days when the complainant inquired about the delivery of dollars, Chetan Goyal/the Petitioner told him that delivery is delayed for some technical reasons and he assured to deliver the same on 14.06.2023. The complainant further stated that the accused Chetan Goyal/the Petitioner again put off the matter and assured to deliver the dollars on 26.06.2023. It is further stated that on 29.06.2023 the complainant visited the house of Bikramjit Singh Bhullar, where Chetan Goyal/the Petitioner and his father also came and they both assured the complainant to deliver the Forty Thousand Canadian dollars till 14.07.2023, otherwise they would return the amount of Rs.22,80,000/- to the complainant on 18.07.2023. The aforesaid accused also gave a cheque no.114093 dated 18.07.2023, amounting Rs.22,80,000/- to the complainant for presenting the same for encashment after 18.07.2023. It is further stated that thereafter both the accused switched off their mobiles phones and left their house. After conducting preliminary enquiry, the present FIR was registered against Chetan Goyal/the Petitioner and his father for committing cheating of Rs.22,80,000/- with the complainant.”

4. Legal aid counsel submits that it is a civil dispute and there is no evidence that the petitioner is not willing to return the money. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“EVIDENCE AGAINST THE PETITIONER

8. That there is eye witness account in the shape of statements of Advocate Chaudhary Karamjeet Singh and Bikramjit Singh Bhullar, before whom the amount of Rs. 22,80,000/- had been handed over to the Petitioner by the complainant for getting Forty-Thousand Canadian dollars. Further, during investigation, the record regarding dishonour of Cheque No.114093 dated 18.07.2023 issued by the Petitioner in favour of the complainant amounting to Rs.22,80,000/-, has also come to light.”

REASONING:

7. Perusal of status report reflects that a cheque of the equivalent amount given by the petitioner to complainant who received the same, once the complainant accept the cheque of settlement, makes a case for bail to petitioner.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The

evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. 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.

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

11. 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)	

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

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. 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.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. 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.

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.