

2025:PHHC:076120



111

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

**CRM-M-32499-2025
DECIDED ON: 16.06.2025**

NARINDER KUMAR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saurav Bhatia, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No. 13 dated 23.01.2025 under Section 420 IPC PS Balachaur District Shaheed Bhagat Singh Nagar [Annexure P-1], in the interest of justice.

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

“In reference to application no. 2965-PTM dated 22.10.2024. To, The Senior Superintendent of Police, Shaheed Bhagat Singh Nagar. Sub: Application against Narinder Kumar son of Siri Ram, Siri Ram resident of Village Dhakdhana Tehsil Balachaur who have committed fraud on the pretext of sending abroad and did not returned the amount. Mobile No. 9779000007. Sir, It is requested that I am, Dogar

Singh son of Hazara Singh resident of Village Majra (Mojowal) Tehsil Balachaur District Shaheed Bhagat Singh Nagar. Sir, It is requested that I belong to Jat Sikh caste and I am doing labour. I used to get land from above said Narinder Kumar on the basis of batai. The land situated in village Dhakdhana. My daughter Lavpreet Kaur has passed IELTS. I was intending to send my daughter to abroad at Canada. Siri Ram father of Narinder Kumar said to me that his son Narinder Kumar used to send people abroad. At his asking, I had handed over the documents of my daughter to Narinder Kumar. I have paid total amount of Rs. 15.48 Lakh to Narinder Kumar through bank accounts on different dates. But he was failed to send my daughter to abroad. He has pretended on one pretext or the other. It was happened in the year 2018. Then, I had got back the papers of my daughter from him. He had sought time for the return of my amount. But he has not returned my amount till date. I am a poor person. I have again got money from my relatives and I have sent my daughter to England. I have asked him many times for the return of money, but he has always pretended on one pretext or the other. My relatives are harassing me for the money which I have borrowed from them. I do not have any money. He had also admitted that he will return my money, but he has not returned my money. I am enough harassed because this person is harassing me by not returning my amount. In the year 2022, I had filed complaint against him. He had agreed that he will trace out the agent and will get return my money. But he has not returned my money till now. These persons are misleading me after being connived with agent Vipan Kumar. Legal action may kindly be taken against them.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and there is unexplained delay of six years. He further submits that no transactions had been made by the complainant

in the account of the petitioners. He undertakes on behalf of the petitioners that they are ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioners have cheated the complainant.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that there is unexplained delay of 6 years in lodging the FIR, as the incident took place in the year 2018 and the FIR was got registered in 2025; petitioners are not the beneficiary of any amount whatsoever directly or indirectly and State could not put forth any incriminating material to connect the petitioners with the alleged offence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioners, wherein they have *bona fide* intentions and are ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioners are 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 their satisfaction. The petitioners 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 sub-section (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 petitioners do 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

16.06.2025

Meenu

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*