

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

CRM-M-33007-2025
Reserved on: 03.09.2025
Pronounced on: 12.09.2025

Subeg Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Bhinder, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
40	01.05.2025	Sanour, Tehsil and District Patiala	318(4), 316(2), 61(2) BNS

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. Per paragraph 9 of the bail petition, the petitioner has no criminal antecedents.

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

“3. That it is respectfully submitted that the brief facts of the present case/FIR No. 0040 (supra) are that a complaint dated 24.09.2024 was moved by Pritam Singh (complainant) before Senior Superintendent of Police, Patiala, against Subeg Singh (present petitioner), Kala Singh and Baljinder Singh, with the allegations that Subeg Singh (petitioner) and Kala Singh were known to him and Kala Singh told him that they had a combine harvester bearing registration No. PB-07-AE-6502, which they wanted to sell. He also told the complainant that if he (complainant) would purchase the said combine, they would give it at a reasonable price. He suggested that the complainant could give this combine to his son for use during season, which would provide employment for his son. Thereafter, in April 2024, the complainant finalized the deal to purchase the combine from Subeg Singh (petitioner) and Kala Singh for Rs. 5,25,000/- The petitioner alongwith Kala Singh gave the RC of the combine to the complainant and the same was registered in the name of Subeg Singh and it had no loan

pending against it. Thereafter, the complainant paid petitioner and Kala Singh Rs. 5,25,000/- in cash and Kala Singh counted the said amount and handed it over to the petitioner. Then the petitioner gave an affidavit to the complainant in the name of complainant's son Narinder Singh. The complainant further stated that out of total amount of Rs. 5,25,000/-, he had borrowed some amount from his commission agent on interest and the remaining amount was from his personal savings. When the complainant went to the bank to get a loan against the combine to repay the said amount, he came to know that there was loan outstanding on the said combine from Shriram Finance Company. After that, when the complainant enquired with Shriram Finance Company, he came to know / that a loan of Rs. 6 Lakh was running on the said combine. and the RC, which Subeg Singh (petitioner) and Kala Singh had given him for the said combine was fake, and the loan was registered against the said RC in the records. With regard to the said combine, Shriram Finance Company filed a complaint at Police Station Sadar Patiala and the said combine is currently parked at Police Station Sadar Patiala. The complainant further stated that the petitioner in connivance with Kala Singh cheated him to the tune of Rs. 5,25,000/- by giving him a fake RC of the combine and then, they were not providing any solution and were threatening him to face dire consequences if the complainant takes any action against them.”

4. 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 their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the short reply.

7. It would be appropriate to refer to the following portions of the short reply, which read as follows:

“9. The role of the petitioner: That the petitioner in connivance with his co-accused persons, with a preplanned conspiracy, told the complainant that the combine was loan free by showing him forged RC and also prepared a false affidavit stating the combine to be free loan and thereafter, sold the same to the complainant in Rs. 5,25,000/-. When the complainant came to know that there was already loan pending against the said combine, petitioner alongwith other co-accused persons entered into a compromise with the complainant with regard to return the money on 05.02.2025 but they

resiled from conditions of the compromise and duped the complainant to the tune of Rs. 5,25,000/-.”

8. Allegation against the petitioner is that he along with co-accused cheated the complainant by providing a fake RC of the combine and duped the complainant and then also entered into a compromise with regard to return of money which he has received by selling the combine to complainant but duped the complainant of Rs.5,25,000/-. Since the petitioner is a first offender and given the undertaking by counsel for the petitioner, this Court wants to afford an opportunity to the petitioner to course correct.

9. 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.

10. 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.

11. 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.

12. 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 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.

13. 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)	

14. *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.

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. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

20. 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.

CRM-M-33007-2025

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

(ANOOP CHITKARA)
JUDGE

12.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.