



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

338

CRM-M-41183-2025

Date of decision: 13th October, 2025

Karan Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Dolli Sharma, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 202 dated 09.07.2025 registered under Section 420 of IPC at Police Station Division No.5, District Police Commissionerate Ludhiana.

2. The aforementioned FIR was registered on the basis of a complaint submitted by complainant Ankit Jain son of Manohar Lal alleging that his father and himself had taken a joint loan from ICICI Abank, Feroze Gandhi Market, Ludhiana. As they could not repay the loan installements in time, the bank had initiated proceedings to take possession of his house measuring 78 square yards. That apart, the bank was also going to take possession of his another house owned by him. The accused Chiranjeevi Joshi, who is an employee of Punjab and Sindh Bank, Sufiya Chowk Branch



Ludhiana came to him and represented that the houses of the complainant could be saved from possession by the bank due to intervention of the present petitioner and projected before the complainant that both himself and the petitioner could get his loan account settled and could get one of his house saved from the possession by his banker. On his asking, the complainant initially gave a sum of Rs. 2,00,000/- to the present petitioner who assured that he would save the house of the complainant being taken into possession by the loanee bank. The petitioner and co-accused gave a document to him on 25.04.2024 whereby he was given five days time to settle the loan. The complainant expressed his inability to repay the same and then the petitioner and the co-accused told him to give another sum of Rs. 4,48,000/- for the purpose of saving his property. The complainant also gave the same to the petitioner and co-accused. However, the petitioner and the co-accused did not get his account settled thereby causing wrongful loss of money to him. By alleging that the petitioner and the co-accused had cheated him, the complainant prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Ludhiana, which was dismissed vide order dated 25.07.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, he is a qualified debt recovery agent and is an employee of one Shining Star Association. He helps the customers who commit default in making payment of loans, in foreclosing their remaining payment with the banks and settle their cases by paying one



time settlement amount and in exchange customers use to pay bonafide amount to him. The complainant and his family members along with Chiranjeevi Joshi had approached him for settlement of the loan account of the complainant. They had told the petitioner that possession of the house of the complainant had already been taken by the bank as an amount of Rs. 27,54,371/- was payable and had requested for settlement of the loan amount. The petitioner had approached the bank and had made efforts and as well as negotiations on behalf of the complainant and the concerned bank had issued one time settlement letter dated 25.04.2024 for amount of Rs. 22,40,000/- which was to be paid till 30.04.2024 but the complainant/his father failed to make the payment.

5. It is further argued that the complainant had again approached the petitioner on 02.05.2024 to make negotiation with the bank again and had offered to pay him Rs. 2,00,000/- and had given an amount to Rs. 95,800/- in installements to him. The petitioner had tried to make negotiations but the loan was not settled despite efforts and out of grudge, he had falsely implicated him in this case. He had received only an amount of Rs. 95,800/- from the complainant. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. There is unexplained delay of one year and twenty-seven days in registration of FIR. He has clean antecedents. The complainant wanted to settle his loan amount of Rs. 50,00,000/- approximately but had offered to pay Rs. 20,00,000/- with the bank who had rejected his proposal and the complainant had wrongly blamed the petitioner. With these broad submissions, it is urged that the petitioner deserves to be extended benefit of



pre-arrest bail.

6. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner who had duped the complainant for an amount of Rs. 6,38,000/- on the pretext of settling his loan account. For the purpose of recovery of the said amount as well as proper investigation in the matter, custodial interrogation of the petitioner is must. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. The petitioner in connivance with the co-accused is alleged to have caused wrongful loss to the complainant to the tune of Rs. 6,38,000/- on the premise that he would get his loan account settled with the loanee bank. As per the bank account statement of the petitioner, an amount of Rs. 95,800/- was transferred in his account from the credit card of the complainant and the transaction of any amount of Rs. 6,38,300/- is not mentioned in the bank statement. As per the petitioner, the amount of Rs. 95,800/- was paid as a fee to him for the purpose of efforts being made by him for settling the loan account of the complainant which could not be settled. There has been delay of one year and twenty seven days in registration of the FIR. Given the nature of the allegations, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. It is a matter of evidence which would be proved only on the basis of evidence to be produced during trial as to whether any



amount of money in cash had been given by the complainant to the present petitioner. Keeping in view the above discussed facts, this Court is of the opinion that the petitioner has made out a case for grant of pre-arrest bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted on pre-arrest bail. The petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS join investigation.

9. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

10. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th October, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*