



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29743-2025
DECIDED ON: 28.05.2025

KAMLESH RAI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anshul Sharma, Advocate and
Ms. Vanshika Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 (Section 438 of Cr.P.C.) seeking grant of concession of pre-arrest bail in FIR No.0062, dated 22.08.2024, under Sections 406, 420, 120-B IPC, P.S. Daba, Ludhiana.

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

“Application PGD No.374696/374249 dated 02.07.2024 from Anju Bala wife of Rajpal, resident of House No. 5549, Street No. 14, Vasant Nagar, Near Reru Sahib Gurudwara, Shimlapuri, District Ludhiana against Gurjit Rai son of Sh. Gursewak Dass, resident of Street No. 650, 20, Mode di chakki, Fateh Singh Nagar, Ludhiana, Rajwinder Singh son of Satinder Singh resident of village Bullara, District Ludhiana, Kamlesh Rani, mother of Gurjit Rai and Anmol Jain Manager was received at Police Station. The contents of which are, To,

the Hon'ble Police Commissioner Sahib, District Ludhiana. Subject: Application against Gurjit Rai s/o Sh. Gursewak Dass, resident of Street No. 650, 20, Mode di chakki, Fateh Singh Nagar, Ludhiana, for committing monitory fraud with the applicant on the pretext of Agreement to Sell of property. Sir, it is humbly submitted that I, Anju Bala wife of Rajpal is the resident of House No. 5549, Street No. 14, Vasant Nagar, Near Reru Sahib Gurudwara Shimlapuri, Ludhiana. That I entered into the Agreement to Sell with the accused regarding one property area 40 sq. yards, khasra no. 88, 89, 82/2, khata no. 691/801/870/1062, page no. 156, 246, Jamabandi for the year 2009/10 situated at Lohara, Hadbast No.260, Abadi Gobind Singh Nagar, District Ludhiana which I agreed to purchase for Rs.17,00,000/- from the above accused and I paid Rs.50,000/- as earnest money to him. That accused was to construct complete house for me on the above land. On dated 22.04.2022, the above accused sale deed of the above property in favour of Rajwinder Singh son of Satinder Singh, r/o village Bullara, District Ludhiana. That the accused got me raised loan on the above property from the bank to the tune of Rs. 16,00,000/- and accused has kept this amount with him and told me that I will complete your house. The above accused got little bit of construction done on the above house and rest of the amount with him. I have paid back 7 EMIs of this loan amounting to Rs.12,652/-. That when I used to ask him to get the sale deed executed regarding this property, he used to linger on. That above accused has not given me possession of this property. That above accused has committed monitory fraud with me with preplanned conspiracy and have kept the loan amount with him. That now bank is harassing us, whenever I demand my money back he used to abuse me and threatened to kill me. That now I have come to know that he has committed similar gullaud with other persons also. That me and my family members have threat regarding life and property from them. That whenever I demand my money from him, he used to beat me and my family members. That above accused has

entangled me in the loan matter with preplanned conspiracy. I request you to take strict due legal action against the above accused and either my due amount be recovered back to me from the accused or the sale deed of property be executed in my favour. Sd/- Anju Bala dated 01.07.2024.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is similarly situated and is at parity with co-accused Gurjit Rai, who has already been granted the concession of anticipatory bail by this Court vide order dated 28.01.2025 passed in CRM-M-50650-2024. Moreover, the FIR No.227, dated 20.08.2024, under Sections 406, 420 and 120-B IPC, registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana qua Gurjit Rai and others including the present petitioner stands quashed on the basis of compromise entered into between the parties vide order dated 01.04.2025 (Annexure P-6) passed in CRM-M-11258-2025.

It is on the strength of such reference as discussed hereinabove, the petitioner has sought anticipatory bail claiming the dispute in question to be civil in nature arising out of contractual obligation having no iota of any essence which could make out offence under Sections 406, 420 and 120-B IPC. Moreover, the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent-State, who opposes the grant of

anticipatory bail to the petitioner on the ground that the allegations against the present petitioner are that alleged money to the tune of Rs.4,00,000/- has been transferred in the account of the present petitioner, meaning thereby, she is beneficiary of the alleged amount.

4. **Analysis**

Be that as it may, considering the fact that the petitioner is claiming parity with co-accused namely Gurjit Rai, who has already been granted the concession of anticipatory bail by this Court vide order dated 28.01.2025 passed in CRM-M-50650-2024; as far as the petitioner involved in other FIR bearing FIR No.227, dated 20.08.2024, under Sections 406, 420 and 120-B IPC, registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana is concerned, the said FIR stands quashed on the basis of compromise entered into between the parties vide order dated 01.04.2025 (Annexure P-6) passed in CRM-M-11258-2025 as well as considering the undertaking given before this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner 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 petitioner does 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

28.05.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No