

Vishesh Kumar Thakur Vs. State (1)

IN THE COURT OF SHRI MANJINDER SINGH,
SESSIONS JUDGE, MANSA
(UID NO.PB0064)

PBMN010046932025



BA/1729/2025

Presented on : 24-09-2025

Registered on : 24-09-2025

Decided on : 30.09.2025

Vishesh Kumar Thakur

--- Applicant-accused

Versus

State of Punjab.

---Respondent.

First bail application under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023.

FIR No.0105 dated 04.08.2023,
under Sections 420, 120-B IPC, Police Station,
Boha, District Mansa.

Present: Shri Vivek Kumar, Advocate, counsel for the applicant-
accused.

Shri Jasvir Singh, Additional Public Prosecutor for the State.

ORDER

This order will dispose of bail application filed by
applicant/accused Vishesh Kumar Thakur under Section 482 BNSS for
releasing him on anticipatory bail in case bearing FIR No.0105 dated

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04.08.2023, under Sections 420, 120-B IPC, Police Station, Boha, District Mansa.

2. Upon notice, this application was contested by learned Additional Public Prosecutor for the State.

3. I have heard learned counsel for the accused/applicant, learned Additional Public Prosecutor for the State and have gone through the file very carefully with their able assistance.

4. Learned counsel for the applicant/accused has argued that applicant/accused is apprehending his arrest in this case. He is a young person belonging to modest socio-economic background and very less educated and not understanding banking procedures, digital transactions or mobile based financial operations. He is a daily wager and has no access to digital infrastructure. This FIR was registered on complaint of one Jagjit Singh by alleging fraudulent inducement and transfer of Rs. 6,50,000/- into two back accounts. One of the said accounts Punjab National Bank Account No. 0051200100000618 held in the name of applicant, received Rs. 3,80,000/- while the remaining amount was credited to another account ending with 7611. The applicant had no knowledge about the transactions as his ATM and SIM cards were taken by one of his friend Dalip Kumar Yadav son of Satnarayan Yadav in presence of Sonu Kumar under the pretext of receiving for the treatment of father due to Dalip Kumar Yadav's lack of a bank account. Applicant came to know about the FIR and the alleged misuse only when police

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contacted his brother seeking his whereabouts. The court of Learned SDJM, Budhlada issued proclamation under section 82 Cr.P.C. against the applicant. The absence of applicant was not deliberate or evasive, but it was due to socioeconomic hardship and lack of awareness. Nothing is to be recovered from the applicant/accused and as such, he is not required for any custodial interrogation. Applicant/accused is ready to join the investigation. Therefore, applicant may kindly be released on anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor for the respondent/State contended that offence attributed to accused/applicant is very serious in nature and no leniency is required in such like matters. Hence, prayed for dismissal of the bail application.

6. From perusal of the police file, this Court finds that this case was registered on the complaint of complainant Jagjit Singh son of Prem Singh to SSP, Mansa for committing of fraud to the tune of Rs. 6,50,000/-. In this complaint, it is submitted that he is resident of Mansa and on 28.4.2022, he received a telephonic call from mobile No. +12013663631 and stated that he is relative and speaking from Australia. He stated that his relative met with an accident and so amount be deposited in his account. Under his influence, he deposited a sum of Rs. 6,50,000/- in his account and when he was demanding more money, he came to know about fraud committed with him. On the basis of this, proper inquiry was conducted and the said bank accounts were freezed. Out of the bank

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accounts of Feroze Ram and Vishesh Kumar Thakur, these accused had transferred the amount deposited by Jagjit Singh in different accounts. As such, accused Feroze Ram and Vishesh Kumar Thakur committed fraud with the complainant to the tune of Rs. 6,50,000/- due to which FIR under Sections 420, 120-B IPC PS Boha was registered against accused/applicant and another. In this part of the country, many such persons are playing fraud with the innocent persons by giving a call on their mobile phones and extracting money by taking any such plea regarding accident of their relatives. To elicit the truth, accused-applicant is certainly required for custodial interrogation. Taking into note the totality of the facts, no leniency is required in such like matters. In **Bal Krishan Fauzdar VS. State of Haryana 2018 (1) RCR Criminal 789**, it is held by Hon'ble High Court in para No. 8 that, "it is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for. Same view was taken by the Hon'ble Apex Court in **Bharat Chaudhari & others Vs. State of Bihar & Anr. 2003(4) RCR (Criminal) 716 (Supreme Court)**. The gravity of the offence is an important factor to be taken into consideration while granting anticipatory

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bail so also the need for custodial interrogation. The law laid down in these citations is fully applicable to the facts of the case in hand. No exceptional ground is made out to grant concession of anticipatory bail to the accused/applicant. As such, keeping in view the gravity of offence, I do not deem it fit case to grant concession of anticipatory bail to the accused/applicant and the anticipatory bail application filed by accused/applicant is hereby dismissed being devoid of any merits. File be consigned to the record room. Police record be returned immediately.

Pronounced in open Court:
30.09.2025

(Manjinder Singh)
Sessions Judge, Mansa
(UID No.PB0064)

Parveen Kumar SG-I
(Directly dictated on computer)

(Manjinder Singh)
Sessions Judge, Mansa
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Present: Shri Vivek Kumar, Advocate, counsel for the applicant-accused.

Shri Jasvir Singh, Additional Public Prosecutor for the State.

In pursuance of notice, learned Public Prosecutor has put in appearance for the respondent/State. Police record produced. Arguments heard. Vide separate detailed order of even date the bail application has been dismissed. Police record be returned immediately. Bail application file be consigned to record room.

Pronounced in open Court:
30.09.2025

(Manjinder Singh)
Sessions Judge, Mansa
(UID No.PB0064)

*Parveen Kumar SG-I
(Directly dictated on computer)*