

IN THE COURT OF HARISH ANAND,
ADDITIONAL SESSIONS JUDGE,
SHAHEED BHAGAT SINGH NAGAR
(UID No.PB-0139).

Registration No.BA/196/2025
CNR No.PBSB-0100-0745-2025
Decided on 17.02.2025

Jiwan Kumar aged about 49 years S/o Mool Raj R/o Village Kot Fatuhi,
Tehsil Garhshankar, District Hoshiarpur.

Versus

State of Punjab

F.I.R. No.0006 dated 29.01.2025
Under Section 420 of IPC
Police Station: City Banga

First Anticipatory Bail application under Section 482 BNSS.

Present: Shri Suresh Kataria, counsel for the applicant
Shri Tejvir Singh Ld. Addl PP for the State

ORDER:

Apprehending arrest, the applicant has filed the instant application under Section 482 of BNSS for grant of anticipatory bail.

2. Notice of bail application was given to the State, ld. Addl. PP appeared on behalf of the State, IO produced the record.

3. As per prosecution version present FIR has been registered on the basis of complaint moved by Kirandeep Kaur W/o Suraj Singh wherein she stated that earlier one complaint was moved by her against applicant-accused Jiwan Kumar @ Jeevan Sharma, Anuradha, Shweta, Sandeep Kaur receptionist for committing cheating in which compromise was effected and

applicant had issued cheques to her but same were dishonoured. The said complaint was investigated by SP (Head Quarter), SBS Nagar and it was concluded that Jiwan Kumar had agreed to send children of complainant Kirandeep Kaur abroad for a sum of Rs. 24,00,000/-. But despite receiving money from complainant and after entering into compromise, applicant cheated complainant to the tune of Rs. 25,00,000/- on the pretext of sending her children abroad and the cheques given by applicants to complaint were also dishonoured. Consequently, present FIR was registered against-applicant accused.

4. Learned counsel for the applicant-accused has contended that the applicant-accused is innocent and has committed no offence. The applicant-accused has been falsely implicated in this case. The applicant is ready to join the investigation of the case. As such, the applicant-accused is liable to seek pre-arrest bail.

5. On the other hand, ld. PP for the State has contended that the applicant intentionally committed fraud and cheating with the complainant. The custodial interrogation is required to know the modus-operandi of crime, as huge amount is involved. As such, he is not entitled to bail.

6. I have considered the respective contentions of the Ld. Counsel for the parties and have gone through the record.

7. From the contents of FIR reveals that the accused/applicant prima facie acted in a planned manner. In its broadest sense, cheating refers to

various practices intended to violate the law to one's own unfair benefit.

Section 420 of IPC deals with the act of cheating and dishonestly inducing the person deceived to deliver any property to any person or to make alter or destroy the whole or any part of a valuable security. The mitigating factors has to be determined. The custodial interrogation is required. Therefore, in the opinion of the Court, no exceptional circumstances are made out in favour of the applicant to release him on bail. Accordingly, bail application of the applicant/accused is hereby dismissed. Police record be returned and bail papers be consigned to the record room.

Pronounced

17.02.2025

Sahil Mahajan, Stenographer-II

Harish Anand,

Additional Sessions Judge

SBS Nagar/ (UID No.PB-0139)