CNR No: PHHC010380292026
2026:PHHC:129135

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-12804-2026
Date of Decision:10.09.2026

JATINDER KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

****

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

Mr. Rahul Jindal, AAG, Punjab.

Mr. Tarun Singla, Advocate for the complainant.

VIKRAM AGGARWAL, J. (ORAL)

The prayer in the present petition preferred by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') is for the grant of anticipatory bail in case FIR No.26, dated 12.02.2026, registered at Police Station Bhagta Bhaika, District Bathinda, under Sections 316(2), 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS').

2. On 10.03.2026, the following order was passed by a Coordinate Bench:-

> "*Present petition has been filed under Section 482 of BNSS, 2023 for grant of pre-arrest bail to the petitioner in case FIR No.26 dated 12.02.2026, under Sections 316(2), 318(4) of BNS (Sections 406/420 IPC), registered at Police Station Bhagta Bhaika District*

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Bathinda.

Brief facts of the case are that the FIR was registered on the basis of an application moved by complainant Amandeep Kaur before the SSP, Bathinda against Jatinder Kumar of Waheguru Jewellers. She alleged that due to household needs, she had pledged 10 tolas of gold with the said jeweller on 28.01.2023 for ₹ 3,50,000/- and later pledged another 2 tolas of gold. When she later approached him to repay the amount with interest and get her gold released, he avoided returning the same and even threatened to kill her and her family. It was further alleged that when she went to his house, his son Raghav and wife Raman also scuffled with and threatened her. She further stated that in November 2024 she got prepared a gold set weighing about 8 tolas from him and made the payment online, on the basis of which she obtained a gold loan from HDFC Bank, Branch Bajakhana, which had also been arranged by the jeweller. However, on 03.03.2025 the bank informed her that the said gold set was not pure and contained only about 1.5 tola gold, and a notice was also issued to her by the bank. She further alleged that she had given ₹ 2,80,000/- to the jeweller for making gold bangles, but after disliking the design shown in a video, she refused to take them and asked for a refund, out of which only ₹ 1,00,000/- was returned while the remaining ₹ 1,80,000/- has not been returned till date. Hence, she sought legal action against him.

Learned counsel for the petitioner contended that petitioner is a businessman and having jewellery shop and has clear antecedents; he has been falsely involved on the basis of concocted allegations which is evident from the delay in registration of FIR; in January 2023 the complainant pledged her gold to the petitioner and got a loan; she also got prepared some jewellery from

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him in October-November 2024 and same was pledged by her in a bank; that bank has given a report in March 2025 i.e almost one year after granting gold loan, and any objection as to purity or quality of jewellery was to be raised at the time of granting gold loan by bank; now in 2026, the present FIR has been registered just to arm twist the petitioner as complainant is not paying the loan taken by her against the jewellery pledged with the petitioner; that petitioner is having clear antecedents and not involved in any case and is ready to join the investigation and will cooperate with the same.

Notice of motion.

In pursuance of advance notice, Mr. Adesh Pal Singh, AAG, Punjab, appeared and submitted that petitioner has prepared inferior gold jewellery and also not returning the gold which is pledged with him at the time of taking loan, even though complainant is willing to return the amount, taken as loan; further, out of ₹2,80,000/- paid for gold bangles, only ₹1,00,000/- was returned and ₹1,80,000/- is still pending and prayed for dismissal of the present petition.

Heard.

Keeping in view the contentions raised by learned counsel for the petitioner as well as learned State counsel, and considering that there exists a relationship of shopkeeper and customer between the petitioner and the complainant, the matter, prima facie, appears to be of a civil nature; it is also not disputed that there is an inordinate delay in lodging the FIR; that the petitioner has clean antecedents and is not involved in any other criminal activity, at this stage, the petitioner is directed to join the investigation as and when required by the Investigating Officer. In the event of arrest, the petitioner be released on interim bail on furnishing personal bail/surety bonds to the satisfaction of

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Arresting/Investigating Officer till the next date of hearing subject to the conditions as envisaged under Section 482(2) of the BNSS (erstwhile Section 438(2) Cr.P.C.).

Adjourned to 19.05.2026, for filing reply."

3. Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Phul, District Bathinda, filed in Court, is taken on record. Registry is directed to tag it on appropriate place of the case file.

4. Learned counsel for the petitioner submits that in compliance with the aforesaid order, the petitioner has duly joined the investigation.

5. Learned State counsel, on instructions from the Investigating Officer, who is present in Court, submits that in compliance with the order dated 10.03.2026, the petitioner has duly joined the investigation and his custodial interrogation is not required.

6. Learned counsel for the complainant submits that till date no recovery has been made.

7. The fact of no recovery having been made would not be relevant since even as per the Investigating Agency, the petitioner has joined the investigation and his custodial interrogation is not required.

8. In view of the above, the present petition is allowed. The order dated 10.03.2026 passed by this Court is made absolute, subject to compliance of the provisions as envisaged under Section 482(2) BNSS.

(VIKRAM AGGARWAL)
JUDGE

September 10, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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