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

**CRM-M-29378-2025  
DECIDED ON: 23.07.2025**

ASHOK KUMAR

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Sukhjit Singh, Advocate,  
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

Mr. Abhishek Khullar, Advocate,  
for respondent No.2.

**SANJAY VASHISTH, J (ORAL)**

1. On 26.05.2025, following order was passed by this Court:-

*“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-*

<b>Name &amp; age of Petitioner (s)</b>	<b>FIR No.</b>	<b>Date</b>	<b>Section(s)</b>	<b>Police Station</b>	<b>District</b>
Ashok Kumar, aged about 67 years	79	19.04.2025	406, 420, 120-B of IPC	Sahnewal	District Police Commissionerate Ludhiana

*2. Counsel for the petitioner contends that the dispute is entirely of civil nature. Even if allegations are taken to be correct for the purpose of recovery of the amount in lieu of the already received articles, complainant could have filed a civil suit because there is no remedy in the criminal law. Even if the dispute referred to the Mediation, subject to the acceptance of the complainant, he is ready to settle the dispute amicably, thus, prays for grant of concession of anticipatory bail as petitioner is ready to join investigation.*



*Also contends that specific financial liability is not even clear from the FIR. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.*

3. *Besides, counsel for the petitioner made an oral request for impleading complainant, namely; Rajat Gupta s/o Sh. Chaman Lal Gupta, r/o H.No. 52-A, Agar Nagar, Ludhiana, as respondent No.2 in the present petition.*

4. *Allowed as prayed for. Complainant – Rajat Gupta, is ordered to be impleaded as respondent No.2 in the array of respondents. Registry to carry out necessary amendments in the memo of parties.*

*Counsel for the petitioner is also directed to file an amended memo of parties in the registry within a period of three days from today.*

5. *Notice of motion.*

6. *On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.*

7. *At this stage, Mr. Abhishek Khullar, Advocate, puts in appearance on behalf of respondent No.2 and give consent to the proposal made by petitioner's counsel today before this Court.*

8. *Accordingly, in view of the stand taken by counsel for the petitioner as well as respondent No.2, parties are directed to appear before the Mediation and Conciliation Centre of this Court on **06.06.2025**, for resolving the dispute amicably. Needless to add that parties shall remain present on each and every date fixed by the said Forum.*

9. *For awaiting report, adjourned to **23.07.2025**.*

10. *In the meantime, arrest of the petitioner shall remain stayed till the next date of hearing, to enable him to participate in the mediation proceedings before the Mediation and Conciliation Centre of this Court.”*

2. As per the mediation report received by this Court, parties could not settle the dispute.
3. Counsel for the petitioner disputes the balance amount being claimed by the complainant, asserting that, according to the petitioner,



outstanding sum is only Rs.3,57,232/-, whereas complainant is alleging dues to the tune of Rs.52,50,000/-.

4. It is further argued that dispute, if any, is purely of a civil nature. The goods in question have admittedly been delivered by the petitioner to M/s Hind National Engineer Corporation Limited, and if the complainant contends that such delivery was made at the behest of the petitioner, then the burden lies upon the complainant to substantiate this claim through appropriate evidence before the civil court.

5. Further contends that for the purpose of recovering the alleged balance amount, complainant has resorted to arm-twisting methods by registering the present case, in which, to some extent, he has succeeded, which is not a remedy sanctioned by law. Moreover, counsel for the petitioner submits that petitioner is willing to join the investigation and extend full cooperation, provided he is granted protection from arrest by this Court.

6. On the other hand, learned State counsel has filed status report dated 22.07.2025, in the Court today and the same is taken on record. Learned State counsel is though, unable to dispute the submissions addressed by counsel for the petitioner, but opposes grant of anticipatory bail to the petitioner in the present case.

7. This Court has heard the submissions addressed by counsel for the parties and also gone through the record available before it, and finds it appropriate to grant concession of anticipatory bail to the petitioner in the present case.



8. Accordingly, present petition is disposed of, and petitioner is directed to join the investigation within two weeks from today, and in the eventuality of the arrest, petitioner would be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

9. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

**(SANJAY VASHISTH)**  
**JUDGE**

**23.07.2025**  
*Lavisha*

*Whether speaking/reasoned*      *Yes/No*  
*Whether reportable*              *Yes/No*