



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

103

CRM-M-12439-2025

Date of decision: 06.03.2025

Sunil Gandhi**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Gurcharan Singh Bains, Advocate for
Mr. Varun Sharma, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.15 dated 12.02.2025 under Sections 406,420 IPC registered at P.S Division No.3, District Police Commissionerate, Ludhiana.

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

“ Today one complaint PGD No.347705, Complaint No.347129 dated 10.05.2024 from Neeraj Grover and Bhupinder Malik c/o Malak Chand and Kaushalya Wanti Charitable Trust, Neem Wala Chowk, Ludhiana against Sanchit Gandhi son of Sunil Gandhi, Sunil Gandhi son of Om Parkash Gandhi resident of H.No.B-11-1281, Neem Wala Chowk Ludhiana U/s 406, 420 IPC has been received in police station by post after investigation by the senior officials for registration of FIR. Contents of same are like this. To Commissioner of Police Ludhiana. Sub: Complaint for registration of FIR against Sunil Gandhi son of Om Parkash Gandhi resident of B-11/1281 Neem Wala Chowk Ludhiana, Mob 9876588428 and



against his companions for illegally keeping possession over the property of Charitable Trust, consuming liquo. and cigarettes in front of Idols of Godes and Goddess and installing his private cameras in property of Trust and for advancing threats of elimination and further to take action if he has prepared some forged documents in this regard. Sir, it is submitted that complainant is General Secretary of Malak Chand and Kaushalya Wanti Charitable Trust, road Jattanwali, Neem Wala Chowk Ludhiana and he has been authorized to initiate action against accused as per Agenda dated 16.4.2024 (copy of Agenda dated 16.4.2024 is attached). As such complainant submits as under. 1. That accused Sunil Kumar is already a Member of above Charitable Trust. 2. That property of above Trust bearing No.B-11-1284, Road Jattanwali, Neem Wala Chowk Ludhiana and same is two storey building. 3. That above accused is doing business of Hosiery. 4. That residence of above accused is situated at the backside of above property of Trust and he enters into the property of Trust from the roof and there is no wall between property of the accused and property of the Trust. 5. That during Covid-19 lockdown in year 2020 above accused requested that he wants to keep his articles in the first floor of the Trust and as soon as market opens he will pick his articles. Being a Member of the Trust and with permission of the Trust, he kept his articles but gradually he started keeping his machines and started running his factory. When after lockdown other members of the Trust got to know about this illegal act of the accused, then Members of the Trust asked him as per Memorandum of Trust, no member can use the property of the Trust for his personal business work and requested him to remove his articles from property of Trust and vacate the building but accused kept on lingering the matter. 6. That it is also pertinent to mention here that in February 2020 before Covid-19, members of the Trust were planning to start stitching center and Computer Center for needy ladies so that objectives of the Trust are fulfilled. Education Center has been started at ground floor and dispensary has also been opened. Religious activities are held from time to time but now accused consumes cigarette and liquor along with his companions in the building. Some time they consume cigarette and liquor in front of Idols and he used abusive language. When they are stopped from



doing so, they started quarreling. Not only this accused forcibly parks his car at ground floor of the Trust where Education Center and dispensary are being run. 7. That when on 4.3.2024 Trust asked accused to vacate the building then accused started abusing members of the Trust and left from there by threatening to face dire consequences. He also said that big Ministers and police officials are well known to him and no action will be taken against him and if want we can try. 8. That on 10.3.2024 when members of the Trust asked accused to vacate the building of the Trust then he threatened the members of the Trust by saying that he will not vacate the building of the Trust. Thereafter in presence of accused agenda was passed vide which his membership was suspended and accused was asked to vacate the premises of Trust. Copy of Agenda is attached. 9. That on 16.4.2024 Trustee of the Trust stopped accused from consuming Cigarette and liquor in property of the Trust and stopped accused to park car in property of Trust and asked him to vacate property of Trust over which accused is in illegal possession. Then accused started abusing the Trustees present there and said that he will not vacate the premises of Trust and also said that he had prepared documents regarding possession of property of Trust and said they will become owner of the property of Trust. Accused is of quarrelsome nature and criminal type persons used to visit him. He also threatened that if anyone tried to remove him from possession or asked for same then he will eliminate them and no body will come to know what had happened. 10. That now accused with intention to illegally take the possession of the property of Trust in complete manner has started keeping articles at the lower floor of the property, whereas accused is aware that at ground floor Yoga Classes are held in Morning and Education Center is being run for poor students. Due to the machines being operated at the first floor by the accused, study of children is also disturbed. Not only this accused has installed his private cameras in the building of Trust whereas he has no authority for the same. As such you are requested to take action against accused for illegal possession, for hurting the religious sentiments, installing cameras in the property of Trust without permission and for advancing threats of elimination and to register FIR against accused persons. I shall be thankful to you. Sd/ complainant Neeraj Grover, Malak Chand and Kaushalya Wanti



Charitable Trust, Neem Wala Chowk Ludhiana through all the Trustees. Mob.8986095097, 98151-94151. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has falsely been embroiled in the present case. He would contend that the property is in possession of his son namely Sanchit Gandhi in whose favour the rent deed was executed and he has also preferred a civil suit against the Trust as well as the present petitioner. The question of validity of rent deed and the issue as to whether the same has been signed by the petitioner with the proper authorisation or not is also pending in the civil suit, which is being given color of criminal liability whereas no offence under Sections 406,420 IPC would be made out. He would contend that the actual beneficiary Sanchit Gandhi has already been granted the concession of anticipatory bail by this Court vide order 01.03.2025 passed in CRM-M-11415-2025 (Annexure P.4). It is urged by the counsel for the petitioner that the petitioner is ready and willing to join the investigation and abide by the terms and conditions in this regard.

Notice of motion.

On behalf of the State/Complainant

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Prateek Gupta, Advocate with Mr. Roshneel Singh Brar, appears on behalf of the complainant. Learned State counsel would submit that it is the petitioner who has unauthorisedly executed the rent deed in favour of his own son and on that account, direct beneficiary has misused the property of the Trust by taking undue benefit through his son.



Learned counsel appearing for the complainant would submit that there is actually no rent deed and the forged documents have now been put up before the civil court in order to create liability of civil nature whereas from the very inception, offence under Sections 406,420 IPC is made out, as the petitioner has by wrongful means placed his son into possession of the Trust property.

4. **Analysis**

Be that as it may, having regard to the submissions made before this Court and after perusal of the record, wherein the State could not put forth any incriminating material to seek custodial interrogation of the petitioner particularly when the direct beneficiary namely Sanchit Gandhi, who happens to be son of the present petitioner has been granted the concession of anticipatory bail by this Court and he has joined the investigation. The dispute in the instant FIR would revolve around the documentary evidence and the same is also questioned in the civil suit as well.

In the light of aforesaid, in case the petitioner joins the investigation, proceedings in the FIR can be culminated to a logical conclusion and on that account, this Court deems it fit to accept the present petition.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of seven days from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)
JUDGE**

06.03.2025

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |