



CRM-M-13761-2025

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**101+203 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-13761-2025 (O&M)**

Decided on: 29.05.2025

Brijesh Sharma

..... Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Vipam Kumar Sharma, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Ms. Deepti Rampal, Advocate for

Mr. GPS Pathania, Advocate, for victim Ishan Verma.

Mr. Munish Puri, Advocate,  
for respondent No.2/complainant.**Rajesh Bhardwaj, J.**CRM-20237-2025

Allowed as prayed for. Annexures A-1 and A-2 are take on record.

CRM-21794-2025

Allowed as prayed for. Annexures A-1 to A-6 are taken on record.

CRM-19238-2025

Allowed as prayed for. Annexure R-2/1 is taken on record

Main case

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 18 dated 14.02.2025, registered under Sections 316(4) and 318(4) of BNS, 2023, at Police Station Division 1, Pathankot, District Pathankot.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Dharam Paul



Chauhan. It was alleged that the complainant had a jewellery shop in Inner Bazar, Pathankot. Brijesh Sharma (petitioner) was a goldsmith and thus, the complainant had given him gold weighing 535 grams for making jewellery and other shopkeepers adjoining the complainant, namely, Deepak Babbar, Rajan Luthra, Ishan Verma and Arush Bhabhar also gave gold to Brijesh Sharma for the same purpose. However, after taking gold from them, Brijesh Sharma escaped alongwith his wife. Request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Pathankot, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 05.03.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. At the time of preliminary hearing, counsel for the petitioner had submitted that the FIR against the petitioner has been lodged on account of business rivalry. However, he has submitted that if the matter is referred to the Mediation Centre, he could resolve the same by amicable settlement. On the statement made, this Court granted interim protection to the petitioner and on the appearance of the complainant, on the consensus of the parties, the matter was referred to the Mediation and Conciliation Centre of this Court. Thereafter, when the case came up for hearing before this Court on 03.05.2025, counsel for the petitioner has submitted that the petitioner had resolved the issue involved with four of the victims out of total eight victims. However, as the victims are not allowing him to open his shop, he



is not in a position to run his business and hence, is unable to settle the dispute amicably with rest of the victims.

The State was directed to verify the allegations made by counsel for the petitioner and apprise the Court regarding the same.

Learned State counsel filed status report by way of affidavit of Sumeer Singh, PPS, Deputy Superintendent of Police, Sub Division City, District Pathankot after verification of allegations made by counsel for the petitioner on visiting the shop of the petitioner. The allegations made by the petitioner on verification by the SHO concerned were found to be false and frivolous. The statements of concerned parties were recorded by the SHO. The contentions raised before this Court that the petitioner was not being allowed to open his shop and run the business, were falsified. Thus, the case is heard on merits.

4. When the case came up for hearing on 26.05.2025, counsel for the complainant submitted that the petitioner was granted interim protection on the offer given by him that he is ready to settle the dispute amicably but he is not ready for settlement and thus, he had given offer to the Court only to get interim protection.

This Court granted last opportunity to the petitioner for settling the dispute amicably, however, when the case came up for hearing today i.e. on 29.05.2025, counsel for the petitioner has reiterated his submissions that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR has been lodged due to business rivalry. However, he has submitted that out of total eight victims he had settled the dispute with six of the victims, whereas, remaining two victims which includes the



complainant, the same could not be resolved as the petitioner has disputed the amount of gold given by the complainant. He submits that the dispute pertains to a business transaction which is of civil nature and thus, FIR has been lodged with a clandestine motive only to harass the petitioner. He, thus, submits that the petitioner deserves to be granted anticipatory bail.

4. Learned counsel for the complainant as well as victim have opposed the submissions made by counsel for the petitioner. They have submitted that the petitioner has not duped only the complainant, but other victims as well. It is admitted fact that the petitioner had resolved the issue with some of the victims. They submit that the petitioner had given offer to the Court for amicable settlement only in order to seek interim protection and thereafter, he misused the same. They, thus, submit that the petitioner does not deserve the concession of anticipatory bail.

5. Learned State counsel has drawn the attention of this Court to the status report dated 26.03.2025 and has submitted that there are specific allegations against the petitioner. Details of victims and gold allegedly given by them to the petitioner is as follows:-

Sr.No	Complainant	Weight of gold
1.	Subhas Verma	750 grams
2.	Dharam Pal Chauhan	535 grams
3.	Deepak Babbar	712 grams
4.	Rajan Luthra	183 grams
5.	Ishan Verma	163 grams
6.	Aarush Babbar	120 grams
7.	Pawan Kalia	132 grams
8.	Munish Kumar	100 grams
<b>Total</b>	–	<b>2.695 Kgs</b>

He, thus, submits that total gold taken by the petitioner from



eight victims weighs 2.695 kgs. It is submitted that after taking gold, the petitioner alongwith his wife is at large. He submits that for a free and fair investigation, custodial interrogation of the petitioner is essential and thus, he does not deserve the concession of anticipatory bail.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance. The dispute as culled out from the arguments raised is to the effect that the petitioner had been given a total gold weighing 2.695 kgs by eight victims for making jewellery. After taking the same, he escaped alongwith his wife and thus, duped the victims. On the registration of the FIR, the investigation is already in progress. On the submissions made by counsel for the petitioner, this Court found it appropriate for referring the matter to the Mediation and Conciliation Centre of this Court on the consensus of the parties for exploring the possibility of amicable settlement. However, despite various opportunities, the mediation remained unsuccessful. The contention raised by counsel for the petitioner that the petitioner was not allowed to open his shop due to which his business is virtually stopped, hence, he is not in a position to settle the dispute amicably, was got verified by this Court. Verification report was also filed and the allegations made by counsel for the petitioner were found to be false and frivolous. It is not disputed that the petitioner had been given gold by eight victims, with some of the victims, he has resolved the dispute as well, but the petitioner is avoiding the same with the rest of the victims on one pretext or the other despite having been granted interim protection by this Court.

7. For the consideration of anticipatory bail, the statutory



parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

**482“Direction for grant of bail to person apprehending arrest:**

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
  2. *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.”*
8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such



interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition



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being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

**29.05.2025**

sharmila

Whether Speaking/Reasoned  
Whether Reportable

**(RAJESH BHARDWAJ)**  
**JUDGE**

: Yes/No  
: Yes/No