

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-32484-2025

Date of Decision:-23.07.2025

Brij Mohan Gupta.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Shailesh Aggarwal, Advocate for the Petitioner.

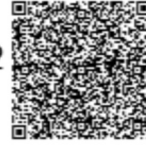
Mr. Viney Phogat, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 528 BNSS is for issuance of direction to the CJM, Panipat for releasing the pledged immovable property belonging to Kaushalya daughter of Narsingh Dass Goyal (Sister of Petitioner's wife).

The Counsel for the petitioner contends that FIR No.1578 dated 24.11.2015 under Sections 120-B, 420, 467, 468 and 471 IPC P.S. Panipat City, District Panipat, Haryana came to be registered against the petitioner and certain other persons. The petitioners sought the concession of anticipatory bail and on 16.01.2017 the following order was passed:-

“ The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case of FIR No.1578, dated 24.11.2015, under Sections 420/467/468/471/120-B IPC, registered at Police



Station City Panipat, District Panipat.

Counsel for the petitioner would submit that the dispute is essentially civil in nature and the amount in question is Rs.1.70 Crores Out of such disputed amount, a sum of Rs.45 lacs is stated to have already been furnished by the accused party. Counsel contends that to safeguard the interest of the complainant party, the present petitioner is ready and willing to pledge an immovable property belonging to the sister of his wife and which is valued at Rs.1.75 Crores.

Notice of motion, returnable for 22.03.2017.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Thereafter anticipatory bail granted vide aforementioned order was confirmed on 17.01.2018 and said order is reproduced hereinbelow:-

“ It is contended that in pursuance of the direction issued by this Court in connected petition CRM-M-34090-2016 vide order dated 24.09.2016, the petitioner has already deposited an amount of Rs.20 lacs and it is also submitted that even prior thereto also he has deposited Rs.20 lacs i.e. total 40 lacs.

The above factual aspect is not disputed by learned



counsel for the complainant.

Learned Counsel for the petitioner has further submitted that the petitioner has joined the investigation in terms of order dated 16.1.2017 passed by this Court and this fact is not disputed by learned State counsel.

There is no dispute that an agreement was executed between the parties and there are certain terms and conditions appended therein and relationships of contracting parties shall be governed thereunder.

In the light of above circumstances interim bail granted to the petitioner vide order dated 16.1.2017 is made absolute subject to conditions as envisaged under Section 438(2) Cr.PC.

However, the above observations are not to be construed as an expression of an opinion on the merits of the case.

Petition stands disposed of.”

Later an untrace report was submitted and accepted by the Illaqa Magistrate on 18.01.2024. The petitioner moved an application seeking release of the pledged immovable property. He thus contends that in the current scenario once the untrace report has already been accepted, the said pledged immovable property be released in favour of Kaushalya daughter of Narsingh Dass Goyal (Sister of Petitioner's wife).

The Counsel for the State has not disputed the factual position that an untrace report was filed and has been accepted as per the reply dated 07.07.2025 filed in CRM-M-24458-2025.

In view of the above, the present petition is allowed. The Chief Judicial Magistrate, Panipat is directed to release the pledged immovable

2025:PHHC:091492



CRM-M-32484-2025

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property in favour of Kaushalya daughter of Narsingh Dass Goyal (Sister of Petitioner's wife) deposited by the petitioner forthwith against proper receipt and identification.

(JASJIT SINGH BEDI)
JUDGE

July 23, 2025

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>