

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:144175



(103)

CRM-M-46933-2024 (O&M)
Decided on : 16.10.2025

Akash Kumar

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. Aryan Sharma, Advocate for
Mr. C.S. Bakshi, Advocate for the petitioner (s).

Mr. Gurpartap S. Bhullar, AAG, Punjab.

Mr. Vivek Singla, Advocate for the complainant.

Sumeet Goel (Oral):

1. Apprehending his arrest in FIR No.159 dated 06.04.2024 registered for offences punishable under Section 420 of IPC (Section 120-B of IPC subsequently added), at Police Station City Barnala, District Barnala; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. On 19.12.2024, the following order was passed:

“Mr. Vivek Singla, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama. The same is taken on record.

Learned counsel for the parties are ad idem on the issue that the matter be referred to the Mediation and Conciliation Centre of this Court to enable an amicable settlement.

In view of the stand of the contesting parties, both the parties are directed to appear before the said Court on 10.01.2025 at 11:00 AM.

Awaiting report, adjourned to 23.01.2025.

In the meantime, no coercive steps be taken against the petitioner.”

3. Mediation proceedings initiated between parties did not fructify. Thereafter, the order dated 26.08.2025 was passed which reads thus:

“Petitioner is seeking the concession of anticipatory bail in FIR No.159 dated 06.04.2024 under Sections 420 of IPC (Section 120-B of IPC subsequently added) registered at Police Station City Barnala.

Learned counsel appearing on behalf of the petitioner contends that the petitioner has been falsely implicated in the present FIR on allegations of having defrauded the complainant, in connivance with co-accused Poonam Bansal (wife of the petitioner), to the tune of ₹ approximately 22,50,000/- under the pretext of securing registration of an agreement to sell dated 28.01.2023 in favour of the complainant. It is submitted that the allegations are wholly misconceived, inasmuch as the petitioner has duly discharged all dues owed to the complainant, leaving no subsisting liability.

Adverting to the FIR (Annexure P-1), learned counsel emphasises that the falsity of the allegations is borne out from the very contents of the complaint, which alleged that the petitioner had deliberately suppressed the fact that the property in question was encumbered under a loan. It is argued that such an assertion is palpably baseless, particularly in view of the past conduct of the complainant, who had previously attempted to blackmail the petitioner by fabricating a forged agreement to sell dated 04.02.2021 (Annexure P-3).

Learned counsel further submits that the dispute between the parties is purely of a civil nature, but the complainant, with oblique motives, has sought to impart a criminal colour to the same with the intent to harass and malign the petitioner. It is asserted that the case, resting entirely on documentary evidence, leaves no scope for custodial interrogation of the petitioner, and as such, no useful purpose would be served by subjecting him to arrest.

Adjourned to 08.10.2025.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) BNSS/438(2) Cr.P.C.”

4. Learned State counsel (on instructions from) has submitted that the petitioner has joined investigation and he is not required for further custodial interrogation.
5. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioner having joined investigation and he is not required for further custodial interrogation, the petition is allowed and the order dated 26.08.2025 granting anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.
6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

9. Pending application(s), if any, shall also stand disposed off.

October 16, 2025

Naveen

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No