



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-16192-2025
DATE OF DECISION: 25.03.2025

ROHIT GUPTA ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mandeep S. Bedi, Sr. Advocate with
Mr. Avtar S. Khinda, Advocate
Mr. Abhishek Thakur, Advocate
Ms. Navjot Kaur, Advocate and
Mr. Navrajdep Singh, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Prayer**

This petition has been filed under Section 482 BNSS 2023 for grant of anticipatory bail in F.I.R. No. 131 Dated 05.12.2024 U/s 316 (2) of BNS 2023 (Section 317 (4) BNS 2023) added lateron at Police Station Raman, Distt. Bathinda (Annexure P-1)

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘Statement Kumar Bansal son of of Ramesh Sh. Amarnath son of Hans Raj resident of Opp. M.P. College, Ward No.3, Mandi Dabwali, aged about 58 years Phone No. 93558-73539. Stated that I am resident of Mandi Dabwali and I am working as commission agent in the name of M/s Ramesh and Company Shop No. 118, New Grain Market, Mandi Dabwali. On



21.11.2024, I had purchased the wheat from Karnal Hightech Seed Raman Manadi and I hired having a truck bearing ten tyres Company Sardulgarh wheat further to No. PB-31-L-5586 from West for Transport transporting Gurdaspur and 02.11.2024, the total wheat 321 quintals (800 bags 40 Kgs each) was loaded in the the onabove said truck from Karnal Hightech Raman Mandi, at that time, Julf Khan son of Sukhe Khan resident driving Guggu the son of Mansa truck and of Kainchian was Gurpreet Singh Jagroop Singh resident of Ralla was working as a conductor with him and we had sent this wheat to Sri Durga Ji Food Industry. Plant No.34, Industrial Estate, G.T. Road, Gurdaspur. The owner of this truck is Kesar Singh son of Harmail Singh resident of Maur Maqsoodan, Distt. Barnala. I sent the truck to Gurdaspur after paying the advance rent of Rs. 15,000/- alongwith bills, consignment (billties) and weighment receipts to the driver. When this truck did not reach there within time then I made a call on his mobile number then he made the excuses on one pretext or the others and finally on 27.11.2024 Julf Khan driver switched off his mobile number and did not deliver our wheat at the above said address. In this regard, we made an inquiry at out own level and inquired about the same and uponinquiry it was found that Julf Khan etc. sold our wheat to some other person on the way and usurped the money and misappropriated our wheat. Legal action be taken against these persons. Our wheat has been misappropriated by the driver namely Julf conductor Gurpreet Singh Gaggu and owner namely Kesar Singh with the connivance of each other. Statement has been recorded which is admitted to be correct. Sd/- Ramesh Kumar.'

3. Contentions

On behalf of the petitioner

Learned Senior counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits



that the petitioner was not named in the present FIR but has been implicated in the present FIR on the basis of the disclosure statement of co-accused namely Julf Khan and Gurpreet Singh @ Gaggu from whom recovery has been effected and who also have already been released on regular bail by the lower Court vide orders dated 24.02.2025 (Annexure P-2) and 03.03.2025 (Annexure P-3). He further submits that the prosecution has not produced any direct evidence against the petitioner.

Learned Senior counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer is not in a position to controvert the submissions made by counsel for the petitioner.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect that petitioner was not named in the present FIR but has been implicated on the basis of the disclosure statement of co-accused namely Julf Khan and Gurpreet Singh @ Gaggu from whom the recovery has already been effected and who also have already been released on regular bail by the lower Court vide orders dated 24.02.2025 (Annexure P-2) and 03.03.2025



(Annexure P-3), moreover, prosecution has not produced any direct evidence against the petitioner and also considering that nothing has been recovered from the present petitioner. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.03.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No