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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48283-2025 (O&M)
Date of Decision: 02-09-2025

Moti Gupta and another

.....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sukesh Kumar Jindal, Advocate
Ms. Komal Jindal, Advocate
Ms. Sonia Bohat, Advocate
for the petitioner(s).

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Gaurav Goel, Advocate (*Through VC*)
for respondent no.2.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
71	11.3.2024	Model Town, Panipat	406 and 420 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail for the second time.
2. Counsel for the petitioner submits that liberty was granted to the petitioner to file fresh petition, hence, second petition for anticipatory bail is maintainable. He refers to paragraph no.5 of the order dated 22.4.2025, which reads as under:

“Given above, the present peon is disposed as withdrawn with clarification that there shall be a stay on petitioner’s arrest till 06.06.2025 with liberty to file a fresh bail application as and when the entire payment is made. It is clarified that interim protection i.e. stay of arrest order shall eclipse automatically on 06.06.2025 at 06:00 P.M.”
3. Given the liberty granted by this Court, the present petition is maintainable.
4. Per paragraph 18 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	965	21.11.2018	120-B, 406, 420, 506 IPC	Civil Lines, Karnal

5. The facts and allegations are being taken from the order dated 8.8.2024 passed by Additional Sessions Judge, Panipat, while dismissing the bail application, which reads as follows:

“2. According to the complaint of complainant who is the Circle Sastra Head of Punjab National Bank, he sent a complaint dated 4.10.2023 to Superintendent of Police, Panipat with a request that a case be lodged against (1) M/s. Radico Trading Limited, Gohana Road, Panipat-132 103 through its directors (i) Sh. Ganga Ram Paswan son of Sh. Nande Paswan, resident of H.No.656, Model Town, Panipat, Haryana-132 103, (8) Sh. Moti Gupta son of Sh. Jagdish Gupta, resident of H.No.42-43, Rohtak Road, Ashoka Park Main Rampura, Tri Nagar, North West Delhi-110 035, (iii) Sh. Ram Kishore son of Sh. Gopi Chand, resident of F-2/11, Dudh Vihar. Phase-1. Delhi-110 041. (2) Sh. Ganga Ram Paswam son of Sh. Nande Paswan being director of Mis Radico Trading Limited, Gohana Road, Panipat, (3) M/s Vardhman Rice Mills Pvt. Lad, Gohana Road, Panipat through its Director Sh. Abhishek Jain, (4) Sh. Abhishek Jain being director of M/s Vardhman Rice Mills Pvt. Lal, Gohana Road, Panipat, (5) Sh. Ajay Saini, the then Tehsildar Tehsil, Paraput Ground Floor, Mini Secretariat, Panipat, (0) Sh. Balwan Singh Naib Tehsildar, Tehsil, Paniput Ground floor, Mini Seenstart, Panipa (7) Sh. Sunil Kumar Hakga Parwari of village Mehrana, Tehsil and District Planiput, (5) St. Chard Ram son of Sh. Hari Ram son of Megha Ram, mikm of village Theara, Tehsil and Disteset Soneput, (9) unknown othervunknown as (10) kwn public servants. It was submitted that M's Radico Trading Limited was named as guarantor in the accounts of Mix Steve Vindtheran Rice Mills Pvt. Lanaod for the offence of fraat, criminal ling in property menang BK-2M situated wahin reverse case of village has bed & Donic Pumput which was dady nangaged in favour of Punjab National Bank. GT Road, Picipat hy way fano As per de las made in the FIR in sheat are that Shree Vedharan Rice Pvt. Lanted had led canh cut limit from the hark on 29.10.2010 octa uma and conditions. Some secorties won with de lank specided on the borrower company. M/s. Radico Trading Limited also executed a guarantee agreement in favour of complainant Bank. Lien/charge of PNB had already been entered in the revenue record as per Janabandi for the year 2014-2015. The loan facilities of Shree Vardhaman Rice Mills Pvt. Ltd. had become classified as NPA. Registered lease deed bearing vasika no.304 dated 11.4.2017, supplementary registered lease deed No.901 dated 12.5.2017, both registered in the office of Sub Registrar, Panipat are lying with PNB in original. As per the FIR, Redico Trading Limited had not to create any charge on the properties put by it as a guarantee till repayment of loan facilties or without the return or prior permission of PNB. As per the FIR guarantor is equally liable as borrower. It has also been mentioned in the FIR itself that on the request of accused, complainant Bank had released some properties situated within revenue area of village Mehrana to guarantor Redico Trading Limited. In lieu of that CC Limit was reduced from Rs. 25.9 crore to Rs. 15.09 crore as borrower Shri Vardhaman Rice Mills Pvt. Limited had deposited an amount of Rs.10 crore after selling the released properties. The loan facilities of Shri Vardhman Rice Mills Pvt. Ltd. are classified as NPA as on 30.6.2018. With balance outstanding as on the date of NPA as Rs. 17.58 Lakh. The SARFAESI proceedings were initiated by the complainant. Symbolic possession over the remaining property measuring 73K-14M was taken on 4.12.2018. The complainant Bank has put to auction immovable properties of M/s. Redico Trading Limited on 7.12.2019 but auction failed. Recovery suit has also been filed before DRT, Chandigarh. On the other hand operational creditors of the complainant Bank had filed case in the NCLT against Vardhman Rice Mills Pvt. Ltd. for recovery of their dues. The said company was sold in liquidation as going on concern to Ms. Bhumilka Bhanushali. It was further submitted that Redico Trading Ltd. through its

Director had executed a lease deed bearing vasika No.853 dated 24.4.2023 regarding property measuring 73K-15M without prior permission of the Bank. The said lease deed was executed in favour of M/s. Vardhman Rice Mills Pvt. Ltd. in collusion with other accused. Apart from that Redico Trading Limited has also sold out the property measuring 8K-2M vide registered sale deed bearing vasika No.3012 dated 8.6.2023 in favour of co-accused Chand Ram son of Sh. Hari Ram without getting any kind of prior permission/NOC from PNB which is necessary under law. As per the complainant, as the property in question are already mortgaged with Bank so the sale deed bearing vasika No.3012 dated 8.6.2023 was not supported by any kind of NOC from the Bank. The concerned Public servant failed to maintain and provide proper revenue data in the revenue record i.e Jamabandi and mutation. As per the complainant lease deed bearing vasika no.853 dated 22.4.2023, sale deed No.3012 dated 8.6.2023 are false and fabricated and illegal one. In this manner the accused caused wrongful gain to themselves and wrongful loss to the Bank. On the basis of this complaint, formal FIR bearing no.71 under section 406, 420 IPC was registered in Police Station Model Town, Panipat on 11.3.2024. The investigation was carried out by P/SI Ashish, Police Post 8-Marla, Panipat. During investigation, Jamabandis for the years 2014-15 and 2019-20 have been taken from the office of Tehsildar, Panipat on 15.3.2024. On 5.4.2024, attesting copies of disputed sale deeds have been taken into possession by the police. The correspondence has been taken place for taking the record from the office of Tehsildar, Panipat and ROC, Delhi.”

6. The petitioner's counsel prays on the ground that a settlement has taken place between the parties (Annexure P-1). He further submits that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

7. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

8. The State's counsel opposes bail.

9. The counsel for respondent no.2-Punjab National Bank, on instructions from Mr. N.P. Singh, Chief Manager, submits that all disputes stand resolved with the petitioner and No Due Certificate has already been issued.

REASONING:

10. The matter stands resolved between the parties and the amount which was attributed to the petitioner has already been paid to the Bank and respondent no.2-Bank has no objection in case of grant of bail to the petitioner and as such, no ground is made out for custodial interrogation of the petitioner.

11. Given the above, the penal provisions invoked coupled with the *prima facie*

analysis of the nature of allegations, the matter having been compromised between the parties and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner’s complying with the following terms.

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns

another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

02-09-2025
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(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO