



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

116

CRM-M-32699-2026 (O&M)

Date of decision : 06.07.2026

Rama Gupta

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Sharad Aggarwal, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab
assisted by SP Harinder Singh, Traffic, District Patiala.

Mr. Manish Soni, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral)

Power of Attorney on behalf of the complainant has been filed today. The same, too, be taken on record.

2. This petition for pre-arrest bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.221 dated 23.09.2025, for the commission of offence punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023, Police Station Sadar Ludhiana, Police Commissionerate, District Ludhiana.

3. Vide order dated 02.06.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bail/surety bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.



4. It has been contended by learned counsel for the petitioner that in compliance with order dated 02.06.2026, the petitioner has already joined the investigation. According to learned counsel for the petitioner, in the present case custodial interrogation of the petitioner is not required, and therefore, the order dated 02.06.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

5. Reply as well as explanation have been filed. The same be taken on record.

6. The learned State Counsel has submitted that the petitioner has joined the investigation, and that for further investigation of this case his custodial interrogation is not required.

7. The learned counsel for the complainant has opposed the abovementioned stand of the State. It has been contended by learned counsel for the complainant that in the present case, there are specific allegations that the petitioner, while concealing the fact that the property was not free from all encumbrances, entered into agreement for sale of the property, and received earnest money. As per learned counsel for the complainant, the money received by the petitioner as advanced money has been used to pay a part of its debt, but the property in question is still not free from all encumbrances, as remaining part of debt is yet to be paid by the petitioner.

8. According to learned counsel for the complainant, right from the very beginning, the petitioner has an intention to cheat the complainant and that is why he never disclosed to the complainant that possession of property in question has already been taken over by the concerned authorities under the SARFAESI Act. In view of above, while alleging that



right from the very beginning there was an intention to cheat the complainant, it has been contended by learned counsel for the complainant that the petitioner is guilty of the abovementioned offence.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the petitioner has already joined the investigation;
- ii. that the offence is triable by the Court of Judicial Magistrate;
- iii. that the maximum punishment prescribed for the commission of abovementioned offence is imprisonment up to seven years;
- iv. that as already observed in the order dated 02.06.2026 the dispute between the parties seems to be a dispute of civil nature, i.e. specific performance of contract (on account of failure to discharge of contractual obligation). Thus, nothing has to be recovered from the possession of petitioner;
- v. that the investigation and trial are not likely to be concluded in near future;
- vi. that the entire evidence to be collected by the Investigating Agency in the present case is documentary in nature, and therefore, by custodial interrogation of petitioner, no fruitful result is likely to be produced;
- vi. that there is nothing on record to show that if the order dated 02.06.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and



vii. that there is nothing on record to show that if order dated 02.06.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

11. Taking into consideration the cumulative effect of all the abovementioned factors and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled to anticipatory bail. Hence, the present petition is hereby ***allowed*** and the order dated 02.06.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

13. It is, however, clarified that anything recorded in the foregoing paragraphs shall not have any bearing upon the merits of the case.

14. Pending miscellaneous application(s), if any, shall stand disposed of.

15. In the present case, the explanation of DSP concerned was also called. The explanation has been submitted by the DSP concerned, who is present in person. Although the abovementioned explanation does not seem to be convincing, yet in view of the fact that any observation with regard to conduct of the above-named Inquiry Officer may impact the merits of the case, this Court is refraining from recording any observation with regard to report submitted by Superintendent of Police, Traffic, District Patiala. Thus, it is hereby observed that no action is called for against the above-named officer.

(SURYA PARTAP SINGH)
JUDGE

06.07.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No