



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
208

CRM-M No.3171 of 2025 (O&M)
Date of decision: 21.02.2025

Raj Kumar Mehta and another
.....Petitioners
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Ahluwalia, Advocate
with Ms. Bhavi Kapur, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. R.A. Sheoran, Advocate
for Ms. Ravisha, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.180 dated 19.09.2021 under Sections 420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Division E, District Police Commissionerate Amritsar.

2. On 21.01.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioners, inter alia, contends that similarly situated co-accused, namely Ramesh Kumar Mehta @ Ramesh Mehta has already been granted the concession of interim anticipatory bail by the Coordinate Bench of this Court vide order dated

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10.12.2024 (Annexure P-15) passed in CRM-M-61893-2024. Further, the alleged incident took place in the year 2007/2008 and initially, a complaint moved by the complainant was thoroughly investigated by the jurisdictional police authorities and it was found that the dispute is purely civil in nature and the complaint was ordered to be consigned to the record. Thereafter, on the basis of a subsequent inquiry, FIR (supra) was registered after a delay of 14 years. Further, the dispute pertains to one plot, which was sold in the year 2007, however, the sale deed dated 15.07.2007 of the said plot has never been challenged by the complainant before the Civil Court. The dispute qua decrease or increase of the shareholding of the complainant in the company cannot attract the offence under Section 420 of IPC and it is settled law that if any dispute arises qua management or shareholding of a company, the same is to be adjudicated by the National Company Law Tribunal. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and Ms. Ravisha Mahajan, Advocate accepts notice on behalf of the complainant and files Power of Attorney in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned State counsel, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail to the petitioners on the ground that District Attorney has tendered his legal opinion and has

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considered all the averments made by the petitioners in the present petition with regard to the dispute being civil in nature.

Adjourned to 21.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

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3. Learned counsel for the petitioners submits that the concerned SHO is trying to overreach the majesty of this Court and after this Court has granted ad interim anticipatory bail to the petitioners on 21.01.2025, the proceedings under Section 145 Cr.P.C., have been initiated and now one day prior to the date fixed before this Court, certain offences have been added.
4. Learned State counsel assisted by learned counsel for the complainant and on instructions from ASI Kuldeep Kumar, submits that although during the investigation, certain offences have been added, however, the petitioners are required to join the investigation qua the added offences as well.
5. In view of the above, the order dated 21.01.2025 is hereby made absolute. However, the petitioners are directed to rejoin the investigation and appear before learned Illaqa Magistrate on 27.02.2025 at 11:00 AM, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, pursuant to the added offences. The petitioners shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
6. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.02.2025

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No