

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

141

2025:PHHC:168949



CRM-M-20459-2024 (O&M)
Date of decision: 04.12.2025.

ATUL KUMAR NAYYAR

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Amandeep Singh Rai, Advocate,
for the petitioner.

Ms. Savi Nagpal, AAG, Punjab, assisted by
ASI Sukhwinder Singh.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 439 (2) Cr.P.C. read with Section 482 Cr.P.C., for seeking cancellation of the bail granted to respondent No.2 in FIR bearing No.184 dated 11.09.2023, under Section(s) 420, 467, 468, 471 and 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Ludhiana, District Ludhiana vide order dated 06.12.2023.

2 Learned counsel appearing on behalf of the petitioner contends that the respondent No.2 is an accused in the aforesaid FIR pertaining to sale

of an Innova Car to the petitioner by forging the documents and thus having committed cheating of a sum of Rs.13,80,000/-. It is submitted that later on petitioner came to know that the Registration Certificate and other documents did not match with the Engine number and Chassis Number of the vehicle whereupon the FIR was got registered. He submits that the respondent No.2-accused approached this Court vide CRM-M-60041-2023 titled as 'Rohit Katyal Vs. State of Punjab' for seeking concession of anticipatory bail. Vide order dated 06.12.2023, the said petition was allowed and respondent No.2 (petitioner therein) was allowed concession of anticipatory bail subject to the condition that he deposits an amount of Rs.5 lakhs with the Area Magistrate/Trial Court within a period of 15 days from the date of passing of the said order. The relevant extract of the order dated 06.12.2023 reads thus: -

“7. The petitioner shall deposit an amount of Rs.5 lacs with the Area Magistrate/Trial Court within a period of 15 days from today, subject to outcome of the trial. The concerned Court is directed to deposit the said amount in a fixed deposit in a nationalized bank, fetching maximum rate of interest, during the course of trial.”

3 He contends that a specific condition had been imposed by this Court while granting the concession of anticipatory bail to the respondent No.2-accused vide order dated 06.12.2023, however, the specific condition has not been complied with. Hence, the present petition has been filed for seeking cancellation of anticipatory bail granted to the respondent No.2.

4 Despite respondent No.2 having been served through the

investigating officer, he has chosen not to appear before this Court. The operative part of the order dated 21.11.2025 reads thus:-

“The service upon respondent No.2/accused has been effected through the Investigating Agency. In response thereto, Rohit Katyal respondent No.2/accused has sent an email to SHO P.S. Sadar Ludhiana as per which he has stated that he will join proceedings in Court today. However, he has not so joined. In the interest of justice, adjourned to 04.12.2025. It is made clear that no further adjournment shall be granted to the respondent No.2/accused.”

5 The case was adjourned for today so as to enable respondent No.2 to enter appearance and make submissions. During the course of hearing, the case has been called twice, however, there is no representation on behalf of the respondent No.2. It seems that respondent No.2 is deliberately not appearing before this Court. Hence, the matter is being decided on merits.

6 Learned State counsel, on instructions from ASI Sukhwinder Singh, submits that the condition imposed by this Court vide order dated 06.12.2023 passed in CRM-M-60041-2023 mandating the respondent No.2 to deposit a sum of Rs.5 lakhs has not been complied with. It is further stated in para No.7 of the status report filed by the respondent-State that despite best efforts to locate the whereabouts of respondent No.2, his location has remained untraceable. It seems that the respondent No.2-accused has not only abused the concession that has been granted to him but is also running from the process of law. Consequently, the allegations levelled by the petitioner remain uncontroverted.

7 In view of the aforesaid, the present petition is allowed and the

bail granted to the respondent No.2-accused vide order dated 06.12.2023
passed in CRM-M-60041-2023 is cancelled.

December 04, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>