



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 117

Criminal Miscellaneous No.M-20110 of 2025

Date of Decision: April 09, 2025

Sayanm Mittal

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

PRESENT: - Mr. Abhimanyu, Advocate, for the petitioner.

Mr. B.S. Virk, Senior DAG Haryana.

SANDEEP MOUDGIL, J (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.0329 dated 30.08.2024 under Sections 420 IPC/318(4) BNS, 409 IPC/316(5) BNS, 506 IPC/351(3) BNS, 120-B IPC/61(2) BNS, registered at Police Station, Tehsil Camp.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

"Copy application is in jail. To, Mr: SP Sahib, Panipat. Subject: Request for taking legal action against Sanyam Mittal Aadhar No. 5972 7755 5019 son of Vipam Mittal resident of House No. 2770 GF Block Ansal Sushant City, Panipat Prop. of Raman Enterprises Barsaat Road Opposite Kripal Ashram, Panipat Mob. 9988274261 9306135866 and his brother Mayank Mittal Prop. of Shri Kithal Dev Enterprises Regd. 11 Futa Road Near Gas Godown Barsaat Road, Panipat Mob. 9501878521 residing at Gali No. 7 Ramanand Bagh Near Shravan Mandir Amritsar Punjab and their partner broker Rajat Rana Mob. No. 8570944544,9817788107 regarding not paying the amount of businessman transaction and threatening to die and kill. Sir, the request is that we do business in Panipat city and the above mentioned Sanyam Mittal and his brother Mayank Mittal and their partner Rajat Rana used to deal in rags and we have an outstanding amount of about ten crore rupees with the said traders and they have liabilities. The business transactions with the said traders were going on for about 5 years but for the last 2 months the said traders were making excuses/evasiveness in



paying the outstanding amount and from 23/08/2024 they switched off their mobiles and have absconded. On the morning of 23/08/2024, Sanyam's parents said that their son will come to Panipat by tomorrow i.e. 24/08 evening. He is with his driver Haris phone number 7015770472, who is also the driver of his warehouse, he is also absconding with him. These people left Panipat in a Mahindra SQV 300 bearing registration number HR 06 AW 5849. After that, their family members, Vipan Mittal, Neeru Mittal, Preeti Mittal also locked the house and went to an unknown place. And switched off their phones. When we asked them for money, they told us that they were not paying the money. They threaten to kill and kill. Rajat Rana's number is switched on-off and he is also threatening to kill the traders on asking for the money. Therefore, it is requested to you that legal action be taken against the said culprits for threatening to kill and committing fraud by not paying the due amount and by sealing their warehouses, movable and immovable properties, bank accounts, our dues should be recovered. Your kindness will be immense. Date 28/08/2024 Applicant all affected trader Varun Kalda son Praveen Kalda resident Sajjan Singh Bagh Model Town Panipat and others Today Police Station Application Number 1736-PESHI DT 28.08.2023 from Office of Superintendent of Police, Panipat, after investigation received from SDU Panipatin Bajaria Post Police Station, on the basis of the application, it was found that the crime under sections 420,506, 120B IPC was registered, on the above application, case no. 329 dated 30.8.2024 under sections 420,506, 120B IPC, Police Station Tehsil Camp, Panipat. The copies of the registered FIR are being prepared on computer and sent to the original police station along with the original application along with the investigation report, Bajaria Post SDU, Panipat for further action. The remaining copies of FIR will be sent to the Bajaria Post Area Magistrate Sahab and officers. Note- The case is being registered in the CCTNS code of SHO Sahab and in the attendance of ASI Ved Singh 1534.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the present petitioner has been falsely implicated in the present case. Also, the present dispute is that of civil nature and is being given the criminal colour just as an arm twist. He further submits that in the regular bail application of Mayank Mittal, police has itself noticed that the present case is pertaining to a civil dispute and no cognizable offence has occurred as no fraud has been found.



Therefore, custodial interrogation of the petitioner is not required and no purpose would be served by putting petitioner behind bars.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. B.S. Virk, Senior DAG Haryana, accepts notice on behalf of the respondent-State. Learned State counsel would fairly inform the Court that no cognizable offence has been found after investigation and Investigating Officer is in the process of filing the cancellation report in view of the aforementioned.

4. **Analysis**

Be that as it may, considering the fact that present dispute is of civil nature; no fraud could be found in the investigation by the police; and also considering that Investigating Officer is in the process of filing the cancellation report, no useful purpose would be served by sending the petitioners behind the bars. Hence this Court is of the view that custodial interrogation of the petitioners is not required.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
Judge

April 09, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No