



CRM-M-27362-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212-4

CRM-M-27362-2025
Decided on: 09.07.2025

Ashwani Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Monika Thakur, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. G.S. Sandhu, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
64	09.04.2025	Moti Nagar, Distt. Ludhiana	408, 420, 120-B 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.

2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR which is annexed with the bail petition as Annexure P-1, which reads as follows:

“xxx xxx

To the Hon'ble Police Commissioner Ludhiana, subject:-complaint for registration of case against 1. Rajiv Kumar son of Amarjit Singh Mb number 95012-xxxx, 2 Ashwani Kumar mobile number 99144-xxxx, 3. Priya wife of Ashwani Kumar, 4. Dimple Kalra Mb no 98723-xxxx, 5 Sonia wife of Dimple Kalra, 6. Jaspal Singh, Mb no 98555-xxxx, 7. Harpreet Singh Mb no 84278-xxxx, 8. Deepak. 9. Ajay Sharma (Sale and Admin) Mb no 86499-xxxx and other unknown person for misappropriation of articles of the company, misappropriation of documents, after preparing forged documents, and cheating and caused financial loss around Rs. 10 Crore. Sir, it is prayed as under: that complainant's Company Aareen Health Care Private is in the business of making and selling of generic medicines and above persons are employees of the said company and accused no 7 and 8 has left the company since 2 years ago. Accused no 3 Priya is wife of accused no 2 and accused 9 Ajay



Sharma working as a sale and admin head and above accused in connivance with each other caused loss to the company around 10 crore, due to this company has suffered loss and got infamous in market. 2. That accused no 1 was working as store in-charge and was in a work of sending sample in the market. That company has come to know now that the sample which company was sending in the market, above accused in connivance with each other has sold those in fewer rates in market. 3. That complainant's company has investigated the matter at their own level then thereafter the misappropriation, forged documents/data done by accused with the company came into picture. And therefore till date around loss has assessed around 10 crore and this loss can be increased in the near future, hear it is pertinent to mention here that accused have taken into possession the medicines of company in huge quantity and made separate warehouse also. 4. That complainant has also come to know that they have purchased different properties, gold and cars etc. with the misappropriated money and there are many committees going on. 5. That above accused has done all this just to get the benefit and to cause loss to the company, therefore it is requested that action may kindly be taken against the accused and they may be taken in the custody and there call details, chatting be checked and be taken into custody. Accused gold, property and cars be taken into custody and loss of Rs. 10 crore be recovered from them. It will be highly thankful."

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The counsel for the complainant opposes bail.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"12 E. The evidence based on which the petitioner was arraigned as an accused.

i) Statement of the complainant.

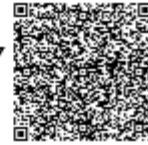
ii) Ashwani Kumar Area Sales Manager, in connivance with Rajiv Kumar store keeper and other co-accused had sold medicines of the company meant as samples at different medical stores without affixing the sticker of 'sample not meant for sale'.

iii) Ashwani Kumar, Harpreet Singh and Deepak Kumar used to give 25% of the price of the medicines to Rajiv Kumar.

iv) Deepak Kumar admitted during inquiry that after leaving the job in the company, he has transferred Rs.2,2,7000/- online to Rajiv Kumar. This fact also proved from the chat between Ashwani Kumar and Jaspal Singh.

v) The conversation between Rajiv Kumar and Ashwani Kumar contained in the Pen drive showed sales of medicines to the tune of Rs.6,00,000/- Rs.6,50,000/- in a year.

vi) The statement of Jaspal Singh and screen shot of chats of Ashwani



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Kumar showed that Jaspal Singh received money by selling medicines in the market as well as at Dhaba at the instance of petitioner Ashwani Kumar.

vii) The petitioner/accused had also prepared the bills of their own.

viii) The Pen drive produced by the complainant and its transcript contained conversation between Rajiv Kumar and Ashwani Kumar, shows that besides Dimple Kalra, Jaspal Singh also sold medicines to the tune of Rs.6,00,000/- to Rs.6,50,000/- in one financial year. By doing so, the accused persons, cheated the complainant company of crores of Rupees in conspiracy with each other.

F. The evidence against the petitioner.

As fully detailed in Point "A" Above. (Same are not repeated again for the sake of brevity.

G. The role of the petitioner.

i) Ashwani Kumar was the Area Sales Manager.

ii) Petitioner in connivance with Rajiv Kumar store keeper and other co-accused had sold medicines of the company meant as samples at different medical stores without affixing the sticker of 'sample not meant for sale'.

iii) Petitioner Ashwani Kumar, Harpreet Singh and Deepak Kumar used to give 25% of the price of the medicines to Rajiv Kumar.

iv) The conversation between Rajiv Kumar and Ashwani Kumar contained in the Pen drive showed sales of medicines to the tune of Rs.6,00,000/- Rs.6,50,000/- in a year.

v) The statement of Jaspal Singh and screen shot of chats of Ashwani Kumar showed that Jaspal Singh received money by selling medicines in the market as well as at Dhaba at the instance of petitioner Ashwani Kumar.

vi) The petitioner/accused had also prepared the bills of their own.

vii) Petitioner alongwith co-accused committed cheating with the company of rupees One Crore Eighty Five thousands during the period 2024-2025. In this way the petitioner alongwith co-accused has committed cheating with the company of Rs.7.5 to 8.00 Crores."

REASONING:

8. Petitioner was the employee of the complainant company and it was for the company to employ honest people or take some surety at the time of grant of job. Whether the petitioner misappropriates stocks or not is a matter of evidence which can be gathered by joining the petitioner into investigation and no case for custodial interrogation is made out.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.



11. 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 Ilqa 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.

12. 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)	

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

14. 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.

15. 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.

16. 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.



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17. *This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.*

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 Petitioner 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.

(ANOOP CHITKARA)
JUDGE

09.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.