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(207) IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30944-2025 (O&M)
Date of decision : 15.12.2025

AMRISH KISHORE VORA ... Petitioner
Versus
STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Naresh Jain, Advocate for the petitioner
Ms. Sakshi Bakshi, AAG for the respondent-State
Mr. Gursimran Singh Madaan, Advocate
for the complainant

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below :-

FIR No.	Dated	Police Station	Sections
0089	02.05.2025	Civi Lines Bathinda, District Bathinda	318(4), 220 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’)

2. Brief facts for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant-Gaurav Kanauria seeking action against the petitioner and co-accused Dr. Ravleen Kaur and Lalit Chhabra for



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committing fraud with the Government and himself, in connivance with each other. An inquiry was conducted and it was revealed that the Deputy Collector and competent authority of NSEL, Mumbai had conducted an online auction process of the properties and had assigned the task of conducting auction proceedings to one Quikr Realty Company (**for short “the Company”**). The complainant-Gaurav Kanauria had participated in the auction proceedings that had taken place on 25.10.2024 and had deposited security amount pertaining to nine properties. He was declared the highest bidder for seven properties. Certificate was issued by the Company in his favour. Qua the remaining two properties, he was declared second highest bidder. He had deposited the due consideration amount. The security money deposited qua remaining two properties had been returned back. Subsequently, the complainant came to know that the co-accused Dr. Ravleen Kaur wife of co-accused Lalit Chhabra had failed to deposit the remaining consideration amount relating to the above-said two properties qua which she was declared highest bidder, which led to forfeiture of earnest money deposited by her but in order to cause loss to the complainant who was the second highest bidder, the petitioner who is representative of the Company in connivance with the co-accused got those two properties re-auctioned in favour of Lalit Chhabra-co-accused at a much lesser price thereby causing loss to the tune of Rs.2,87,50,000/- to the Government exchequer and for wrongful gain of the co-accused himself.

3. As per the further allegations, the co-accused Dr. Ravleen Kaur and Lalit Chhabra in connivance with the petitioner, who is the



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authorized person of the Company, had committed fraud with the complainant as well as with the Government. On the basis of the inquiry so conducted, the aforementioned FIR was registered. Investigation proceedings have been initiated. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 16.05.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. On account of failure to deposit the remaining bid amount qua the two properties, the earnest money already deposited by the co-accused qua those properties was forfeited and the properties were made available for re-auction in the market. There was no provision for allocating those properties to the complainant on account of his being second highest bidder and that is why NSEL had notified the auction of properties and the co-accused had remained successful as a highest bidder in the said auction. It is argued that the dispute is totally of civil nature which has been given a criminal colour by the complainant feeling frustrated because of the fact that he could not succeed in his bid. No wrongful loss has been caused to the State Exchequer by him. The properties in question were situated within the jurisdiction of Ludhiana. The auction Department i.e. NSEL is having its office at Mumbai. The auction was conducted by way of e-auction and as such, the Police Station Civil Lines, Bathinda wherein the FIR was registered, had no jurisdiction at all to register FIR and to conduct inquiry/investigation since no cause of action had arisen within its



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jurisdiction. It is also argued that the entire case is based on documentary evidence. The ingredients for commission of offence of cheating are not at all attracted qua him. He is ready to join investigation. His custodial interrogation is not required. As such, it is argued that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. It is argued by learned State counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner who in connivance with the co-accused had intentionally caused loss of huge amount of money to the Government exchequer by firstly getting Dr. Ravleen Kaur co-accused declared as highest bidder and then on account of not depositing the bid amount by the co-accused, in getting re-auction of the same properties, so that accused-Lalit Chhabra could purchase the same at much lesser prices. It is argued that for conducting thorough and proper investigation and a deeper probe in the matter, the custodial interrogation of the petitioner is must. Moreso, no exceptional or extraordinary circumstance is made out for grant of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for both the parties at considerable length.

7. The co-accused Lalit Chhabra and Ravleen Kaur, in connivance with the petitioner who was a representative of the Company, are alleged to have caused loss to the tune of Rs.2,87,50,000/- to the Government by failing to deposit the bid amount after being declared



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highest bidder and then getting the same properties re-auctioned for a lesser price in favour of the accused-Lalit Chhabra. The auction proceedings by way of e-auction had been conducted at Mumbai whereas the properties which were subject matter of auction are situated at Ludhiana. It is to be considered as to whether the FIR could be registered at the concerned police station and it was having jurisdiction to do so and to conduct inquiry/investigation? The case is based on documentary evidence. As such, the petitioner is not required to be subjected to custodial interrogation. Simply because the complainant has alleged that the petitioner had committed offence of cheating. Given the nature of the allegations as levelled against the petitioner, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. Pre-trial incarceration should not be replica of post-conviction sentencing. In view of the above discussed facts, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to him surrendering before the Investigating Officer/Arresting Officer within a period of 15 days from the date of passing of this order and joining investigation and on him surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating Officer/Arresting Officer as and when required;



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(ii) he 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/her from disclosing such facts to the Court or to any Police Officer;

(iii) he shall not commit any similar offence while on bail;

(iv) he shall not leave the country without prior permission of the Court;

(v) he shall deposit his passport, if any, with the jurisdiction of Magistrate/trial Court.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

15.12.2025
Amit Sharma

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