**CRM-M-47588-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.216****Case No. : CRM-M-47588-2025****Decided On : October 30, 2025**

Pritam Kumar Gupta Petitioner

vs.

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

Present : Ms. Amrita Garg, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

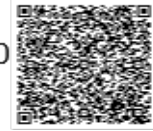
Mr. Kuldeep, Advocate
for respondent no.2.

* * *

SUKHVINDER KAUR, J. :

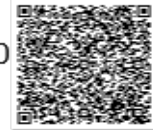
Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.217 dated 26.07.2025, under Sections 318 of the Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Division No.5, Police Commissionerate Ludhiana, District Ludhiana.

Brief facts of the case are that two partners of M/s Infinity Build Corporation namely Yuvraj Singh and Aseem Vohra (respondent no.2) submitted complaint through post, for registration of a case against Pritam Kumar Gupta (present petitioner), Ravi Shankar and Directors of

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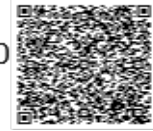
Hella Infra Market Pvt. Ltd., wherein it was submitted that firm of the complainant was dealing with construction, renovation, architecture and allied services and in this process, petitioner came in contact with them, while working with the firm namely M/s Eco Infra. The said firm was dealing in ready-made mix concrete (RMC). The complainant's firm used to purchase RMC from petitioner's firm. Thereafter, the petitioner left his firm and joined Hella Infra Market Pvt. Ltd. and allured the complainants to work with his new firm. The complainants agreed and started their business with the new firm of the petitioner. The things were going in a smooth manner but suddenly on 30.05.2024, the complainants received an e-mail through the new firm of petitioner stating that there was an overdue of Rs.10,32,400/- on their part. On inquiry, the complainants found that they were under debt of Rs.2,00,000/- only and bills for Rs.8,32,400/- were forged and fabricated as no order against such bills was ever placed by them. They further found that on the invoices issued in their name, the names of 'site' and 'contact person' were not actually in existence, meaning thereby that perhaps the material from the new firm of the petitioner was being supplied by the petitioner along with co-accused, to somewhere else and not at the site of the complainant's firm. It was therefore submitted that the accused persons, by actively conniving with each other, gained faith of the complainant and played fraud with them and prayer was made for registration of FIR against them. Hence, the FIR in question was registered.

Learned counsel for the petitioner contended that FIR in question has been registered after delay of more than one year, for which



there is no explanation. Moreover, the dispute between the parties is of civil nature but has been given criminal colour to harass the petitioner. The ingredients of offence under Section 318 BNS are not made out as no actual payment was made by the complainant. In fact, the present FIR is counter-blast by the complainant against the proceedings initiated against him under Section 138 of the Negotiable Instruments Act, by the erstwhile employer of the petitioner. The petitioner had no role in generating the invoices in question and further, he had left the job as Senior Sales Executive at Hella Infra Market Pvt. Ltd., even before the alleged e-mail was sent to the complainants. Learned counsel further prayed that the petitioner is only bread earner of his family and is having clean antecedents throughout. The evidence, if any, is documentary in nature and custodial interrogation of the petitioner is not required. The petitioner is ready and willing to join the investigation. It has therefore been prayed that the petitioner be granted concession of anticipatory bail.

Per Contra, learned State counsel opposed the present bail petition, while contending that the petitioner, who was working as Sales Manager at Hella Infra Market Pvt. Ltd., misused his position and delivered consignments of RMC worth Rs.8,34,000/- to F. G. Construction Company and fraudulently raised invoices in the name of complainant's firm, whereas the complainant's firm never ordered these consignments. So, in view of these serious allegations, the petitioner does not deserve concession of anticipatory bail. However, he fairly conceded that apart from the present case, the petitioner has not been arrayed as accused in any other criminal

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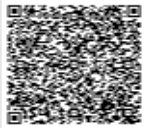
case.

Heard.

As per the allegations in the present FIR, the petitioner and co-accused namely Ravi Shankar, in connivance with Directors of Hella Infra Market Pvt. Ltd., raised false invoices of said Company in the name of complainant's firm to cause them loss and unlawful gain to themselves. The complainant's firm was allegedly billed and harassed for payment of aforesaid fraudulent invoices while the actual supply was made to F. G. Construction Company.

In the instant case, the FIR has been registered after delay of about one year. The allegedly forged invoices, vide which attempts were made to fix liability on the complainant's firm, pertain to the year 2024. No actual payment was allegedly made by the complainant's firm. The case is based on documentary evidence. The petitioner is not having any criminal antecedents and no other criminal case has been registered against him. Custodial interrogation of the petitioner is not required for any purpose and nothing is to be recovered from him. So, no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail, on furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a



written notice in this regard. The petitioner shall also abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall stand disposed of along with the present petition.

October 30, 2025
monika

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.