



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-10036 of 2026 (O&M)

Date of Decision: 29.04.2026

Raman Seth

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Shiv Kumar, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent No.1.

Mr. Amit Dhawan, Advocate
for the respondents No.2 to 4.

Surya Partap Singh, J.

CRM-17354-2026

1. This is an application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, filed by the applicant/petitioner, whereby correction in the head-note and prayer clause have been sought.

2. For the reasons stated in the application, the same is hereby **allowed**. It is hereby ordered that in the head-note and prayer clause the offence punishable under Sections 232 and 356(2) of 'the Bharatiya Nyaya Sanhita, 2023' be added. Now the same be read as 318(4), 316 and 61(2) [Sections 232 and 356(2) added later on] of BNS. The learned counsel for the petitioner has filed the amended petition. The same be taken on record.

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3. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 11 dated 19.01.2026, for the commission of offence punishable under Section(s) 318(4), 316 and 61(2) [Sections 232 and 356(2) added later on] of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Satnampura, District Kapurthala, Punjab.

4. Vide order dated 12.03.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.

5. Mr. Amit Dhawan, Advocate has put in appearance on behalf of respondents No.2 to 4 and filed power of attorney. The same be taken on record.

6. Heard.

7. It has been submitted by learned counsel for the petitioner that in compliance with order dated 12.03.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 12.03.2026 be made absolute.

8. The learned State counsel, being assisted by learned counsel for the respondents No.2 to 4, has controverted the above-mentioned arguments.

It has been contended by learned counsel for the respondents No.2 to 4 that in the present case a large amount of sum has been usurped by the petitioner,

and that before filing of FIR, when the first complaint was filed by the complainant, a compromise had taken place between the parties which was reduced into writing. As per learned counsel for the complainant, despite the above-mentioned compromise, the money has not been returned to the complainant.

9. The learned counsel for the respondents No.2 to 4 has further contended that, the gravity of offence, pertaining to the present case, renders the petitioner ineligible for the benefit of bail. The learned State counsel has contended that in the present case, the recovery of money is, yet, to take place, and that for the above said purpose custodial interrogation of the petitioner is required.

10. The record has been perused carefully.

11. With regard to fact-situation of this case and the above-mentioned arguments, following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner has already joined the investigation;
- ii) that the petitioner cannot be forced to assist the prosecuting agency for the recovery of incriminating material, which may harm his interests or may amount to defeating his right of defence, as laid down by the Hon'ble Supreme Court of India in the case of "Vinay Kumar Gupta v. State of Madhya Pradesh" [Criminal Appeal No. 939 of 2026, Decided on 16.02.2026];
- iii) that no significant evidence is to be recovered in this case with the assistance of petitioner, as the money cannot be treated to be a piece of evidence which may be helpful in linking the petitioner with the commission of crime;
- iv) that the offence is triable by the Court of Judicial Magistrate; ii. that the dispute between the parties

apparently seems to be a dispute of civil nature, i.e. with regard to return of money and for such dispute, appropriate remedy is the suit for recovery;

- v) that the petitioner is an old-age person and deserves a considerate view;
- vi) that nothing (except alleged recovery of money) has been left to be recovered from the possession of petitioner;
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- ix) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

12. Keeping in view the aforesaid submissions and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled for anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 12.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

April 29, 2026
“DK”

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