



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.13406 of 2026 (O&M)

Reserved on: 17.04.2026

Date of Decision: 06.05.2026

Salil Gupta

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Vikram Chaudhari, Sr. Advocate (through VC) with
Mr. Raktim Gogoi, Advocate (through VC),
Ms. Hargun Sandhu, and Ms. Diya Bhagwan, Advocates
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

Mr. Adhirath Singh and Mr. Viren Sibal, Advocates
for the respondents No.2 and 3.

SURYA PARTAP SINGH, J. (Oral):

This is third petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.210 dated 11.06.2025, for the commission of offence punishable under Sections 316(2), 318(4) and 61 of 'Bharatiya Nyaya Sanhita 2023', hereinafter being referred to as 'BNS' only, Police Station Sector-8, Faridabad.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Abhay Gupta' and 'Sudhir Gupta', hereinafter being referred to as 'complainant/respondents No.2 and 3' only. It



was alleged by the complainant/respondents No.2 and 3 that on 02.08.2024 the petitioner along with 'Ravi Gupta' and 'S.P Das' visited their office and convinced them to deal in HR coils being produced by JSPL. According to complainant/respondents No.2 and 3, since the lucrative returns were assured in the above mentioned trade they (complainants) agreed to the above mentioned proposal. According to complainant/respondents No.2 and 3 on the same day 'S.P.Das' demanded advance money for a sum of Rs.4.3 crore as an advance for booking of HR Coils, and that complainant/respondents No.2 and 3 transferred Rs.3,25,00,000/- through RTGS into the account of the company of 'Ravi Gupta'.

3. The complainant/respondents No.2 and 3 further alleged that despite advance payment when the goods were not supplied, they approached 'Ravi Gupta', who asked the complainant/respondents No.2 and 3 to make the full payment and assured that the requisite supply would be made very soon. It has been further alleged by the complainant/respondents No.2 and 3 that in view of above mentioned assurance of 'Ravi Gupta' and 'S.P. Das', they transferred Rs.4,50,00,000/- and Rs.8,00,00,000/- through two different transactions, on 03.09.2024 in the account of 'Swadesh Green Infra Ltd.', the company of 'Ravi Gupta'.

4. As per complainant/respondents No.2 and 3 in the above mentioned fashion a sum of Rs.15,75,00,000/- was transferred by them into the account of company of 'Ravi Gupta' but the goods were never supplied and when they insisted either for supply of goods or for return of money, he refused



to return the money and threatened of dire consequences. According to complainant/respondents No.2 and 3, on inquiry, they came to know that despite advance payment of Rs.15,75,00,000/-, the orders for the purchase of goods were never placed by the petitioner and his co-accused, namely 'Ravi Gupta' and 'S.P.Das', and that right from the very beginning there was an intention of cheating on the part of above mentioned three accused.

5. It is the case of the prosecution that on basis of above mentioned complaint formal FIR of this case was lodged and the investigation taken up.

6. The present petition has been filed by the petitioner primarily on the ground that offence for which the petitioner has been taken into custody, is triable by the Court of Judicial Magistrate, and that the petitioner has already served a long period of incarceration in the present case. According to petitioner his continuous incarceration is not in consonance with the principle of law, equity and justice, which postulates that grant of bail is a rule and its rejection is exception. It has also been pleaded by the petitioner that earlier also he had approached this Court through CRWP No.13025-2025 seeking for quashing of his illegal arbitrary and unconstitutional arrest, along with an application for bail bearing CRM-M-68175-2025, and that the abovesaid petitions were withdrawn on 05.12.2025.

7. It has been further alleged by the petitioner that thereafter, the petitioner approached the Court of learned Judicial Magistrate, as well as the learned Court of Sessions, for grant of bail but the above mentioned petitions were dismissed, and therefore, a joint petition for bail, bearing CRM-M-



71469-2025, was filed by the petitioner and his father but the above mentioned petition qua petitioner was withdrawn, whereas the benefit of bail was accorded to the father of petitioner.

8. It has been further alleged by the petitioner that thereafter, the petitioner again approached the Court of learned Judicial Magistrate as well as learned Court of Sessions for regular bail, but his requests have already been declined. As per petitioner not only he has already undergone a long period of incarceration in this case, but also the dispute between the parties apparently seems to be a dispute of civil nature i.e. with regard to payment of money, and that the trial is not likely to be concluded in near future, and therefore, the petitioner is entitled for the benefit of bail.

9. Heard.

10. It has been contended by learned Senior counsel for the petitioner that the petitioner is a dynamic and forward thinking industry leader with more than 17 years of distinguished experience in India's Power and Manufacturing Sector, and that over the course of his career while working with prestigious multinationals corporations, he earned a reputation for integrity, reliability and technicalities excellence. As per learned Senior counsel for the petitioner beyond his professional accomplishment the petitioner has played an active and influential role in several leading trade and industries bodies, and thus, contributed meaningfully to national level platform, such as CII-Young Indians, the PHD Chamber of Commerce and Industry, the Power Committee and the Indian Foundry Sector.



11. It has been further contended by learned Senior counsel for the petitioner that the petitioner is a devotee family man having responsibility to take care of his old aged parents and two young children aged three years and seven years. As per learned Senior counsel for the petitioner the father of petitioner is suffering from multiple serious medical issues for which a constant medical care and repeated visits to hospitals is required, and therefore, the presence of petitioner for the survival of his family is indispensable.

12. According to learned Senior counsel for the petitioner the 'Swadesh Green Infra Limited' is a leading business house with a history of five decades of excellence, founded in the year 1978 by the grand-father of the petitioner 'Sh. Banwari Lal Gupta', currently led by petitioner himself and his father 'Ravi Gupta'. According to learned Senior counsel for the petitioner, the above mentioned group has built its reputation over the past fifty years on the backdrop of dedication, integrity and ethical business conduct, and that the company's commercial standing is validated by its status as an authorized dealer of Steel Authority of India. The learned Senior counsel for the petitioner has further argued that the above mentioned background coupled with the history of running a successful business entity rules out the possibility of fraudulent intention at the time of entering into business dealings between the business house of the petitioner and the company of complainant/respondents No.2 and 3.

13. It has also been contended by learned Senior counsel for the petitioner that otherwise also the facts and circumstances of the present case



goes to show that the investigation in this case is already complete and the petitioner has already served incarceration for a period of almost five months. According to learned Senior counsel for the petitioner since the offence is triable by the Court of Judicial Magistrate and the petitioner has clean antecedents, no purpose is going to be served by keeping the petitioner behind the bar who was arrested on 17.11.2025. The learned Senior counsel for the petitioner has argued that the dispute between the parties is apparently a dispute of civil nature, i.e. with regard to recovery of money, and that the current situation arose due to shortage of liquidity faced by the company of petitioner.

14. According to learned counsel for the petitioner there is nothing on record to show that at the time of entering into deal with the company of the complainant/respondents No.2 and 3 there was any intention of cheating on the part of petitioner, and therefore, at a subsequent stage, on account of unforeseen circumstances, which were beyond the control of the petitioner or his co-partners, if there has been a failure on the part of the petitioner, and his co-partners, in discharge of their contractual liability, the offence for which the petitioner has been prosecuted, i.e. offences under Sections 316(2), 318(4) and 61 of BNS, are not made out.

15. In addition to above, it has also been contended by learned Senior counsel for the petitioner that in the present case the most valuable fundamental right of an individual, i.e. life of personal liberty has been violated by the police authorities, and therefore, the arrest as well as remand of



the petitioner in judicial lock-up in itself is defective. With regard to above, it has been contented by learned Senior counsel for the petitioner that despite the mandate of law, repeatedly recognized by the Hon'ble Supreme Court of India, to serve grounds of arrest in writing prior to arrest of an accused, the above mentioned provisions of law has been violated in the present case, at the time of arrest of the petitioner, and thus, the detention of petitioner in judicial custody in itself is illegal. In support of his abovementioned limb of augments, the learned Senior counsel for the petitioner has referred to the principles of law propounded by the Hon'ble Supreme Court of India in the cases of 'Mihir Rajesh Shah Vs. State of Maharashtra and another', 2025 SCC Online SC 2356 and 'Dr. Rajinder Rajan VS. Union of India and another', SLP (Criminal) No.3326 of 2026.

16. The learned Senior counsel for the petitioner during the course of arguments has also referred to the principles of law laid down by the Hon'ble Supreme Court of India in the cases of 'Prabir Purkayastha Vs. State (NCT of Delhi)' (2024) 8 SCC 254, 'Enforcement Directorate Vs. Subash Sharma' 2025 SCC OnLine SC 240, 'Pankaj Bansal Vs. Union of India and Ors.' (2024) 7 SCC 576 and 'Vihaan Kumar Vs. State of Haryana', 2025 SCC OnLine 269.

17. The learned State counsel being assisted by learned counsel for the complainant/respondents No.2 and 3 have controverted the above mentioned arguments.

18. At the very outset, the learned counsel for the complainant/respondents No.2 and 3 has contended that in the present case



there is no apparent dispute qua the fact that a sum of Rs.15,75,00,000/- was paid by the complainant/respondents No.2 and 3 to the company of petitioner. According to learned counsel for the complainant/respondents No.2 and 3 it is also an admitted fact that the above mentioned money was paid for the supply of HR Coils by the company of petitioner and that the above mentioned supply was never made.

19. It has been contented by learned counsel for the complainant/respondents No.2 and 3 that the present case is a case, wherein on account of *mala fide* intentions on the part of petitioner a huge loss has been suffered by the complainant/respondents No.2 and 3 and the loss so suffered is to the extent that the complainant/respondents No.2 and 3 are facing a situation, wherein their entire business is likely to be ruined. It has also been contended by leaned counsel for the complainant/respondents No.2 and 3 that the manner in which the petitioner and his co-accused have been conducting themselves, right from the very beginning, makes it apparently clear that the petitioner and his co-accused had an intention to cheat the complainant/respondents No.2 and 3 at the very first moment, when they approached the complainant/respondents No.2 and 3 for the business dealing.

20. With regard to above, the learned counsel for the complainant/respondents No.2 and 3 has referred to the fact that it was only the petitioner and his co-accused who approached the complainant/respondents No.2 and 3 for the business dealing and then received money. According to learned counsel for the complainant/respondents No.2 and 3 the *mala fide*



intentions of the petitioner and his co-accused can be gauzed from the fact that despite receipt of huge amount of Rs.15,75,00,000/-, in advance, for the supply of HR coils, to the company of complainant/respondents No.2 and 3, even the order with JSPL or any other manufacturer was not placed by the petitioner and his co-accused.

21. The learned counsel for the complainant/respondents No.2 and 3 has further contended that in the present case the subsequent act of the petitioner and his co-accused, too, makes it abundantly clear that their intentions from the very beginning was to cheat the complainant/respondents No.2 and 3, and not a *bona fide* business dealing. With regard to above contention, the learned counsel for the complainant/respondents No.2 and 3 has referred to the incident, wherein for the sake of refund of money so received by the petitioner-company cheques were issued and the above said cheques when presented before the banker of petitioner's company, were dishonoured for want of requisite funds. While referring to the above mentioned incident it has been contended by learned counsel for the complainant/respondents No.2 and 3 that the above mentioned act on the part of petitioner and his co-accused strengthens the claim of the complainant/respondents No.2 and 3, qua the fact that the intentions of the petitioner and his co-accused right from the very beginning were *mala fide*, i.e. to cheat the complainant/respondents No.2 and 3, and that the above mentioned intention still persists.

22. In addition to above, the learned counsel for the



complainant/respondents No.2 and 3 has further contended that the present petition is the third petition for bail filed by the petitioner, and that there is no change in circumstance from the date of dismissal of former bail petitions. As per learned counsel for the complainant/respondents No.2 and 3 unless there is change in circumstance after the dismissal of former bail petitions the subsequent bail petition is not maintainable.

23. It has also been contended by learned counsel for the complainant/respondents No.2 and 3, that all the grounds which have been raised in the present petition were available to the petitioner at the time of former petitions filed by him, i.e. CRWP-13025-2025 and CRM-M-71469-2025. According to learned counsel for the complainant/respondents No.2 and 3 no fresh ground has accrued to the petitioner after the dismissal of former petition and therefore, the petitioner is not entitled to the benefit of bail. It has been further contended by learned counsel for the complainant/respondents No.2 and 3 that although the benefit of bail has been accorded to 'Ravi Gupta', the petitioner is not entitled to be released on bail on the ground of parity, as the benefit of bail was accorded to co-accused, i.e. 'Ravi Gupta', in view of his old age and severely bad health conditions.

24. While referring to the law propounded by the Hon'ble Supreme Court of India in the following cases of 'Kalyan Chandra Sarkar Vs. Rajesh Ranjan' (2005) 2 SCC 42, 'Raj Kumar Vs. State (NCT of Delhi)' 2006 SCC OnLine Del 112 and Y'.S. Jagan Mohan Reddy Vs. CBI' (2013) 7 SCC 439, the learned counsel for the complainant/respondents No.2 and 3 has sought for



the dismissal of the present petition.

25. The record has been perused carefully.

26. At the very outset, it is pertinent to mention here that the present petition for bail contains two relevant point for determination:-

- i) that being the third petition filed by the petitioner, whether it is maintainable;
- ii) that if first point is answered in affirmative whether the petitioner is entitled for the benefit of bail on the ground pleaded in the petition;

27. With regard to first point it is relevant to mention here that in the present case it is an admitted fact that before filing of present petition for bail, the petitioner had filed the criminal writ petition bearing No. CRWP-13025-2025. The Para No.2 of the petition itself shows that by virtue of above mentioned writ petition the quashing of arrest/remand order was sought on the ground that it was illegal, arbitrary and unconstitutional. It is also an admitted fact that along with the above mentioned petition, one application for bail, i.e. CRM-M-68175-2025, was also filed. In the above mentioned petitions a common order was passed on 05.12.2025, the same is hereby reproduced as under:-

“After arguing for some time, learned Senior counsel prays for withdrawal of the present petitions at this stage, to approach the Court concerned for grant of bail by taking all pleas as raised in these cases, which may be directed to be decided in a time bound manner

ii). Dismissed as withdrawn. In case the petitioners



file an application for bail within a period of three days, it be decided on the same day, in accordance with law.

iii). Photocopy of this order be placed on the connected case file.”

28. In addition to above, it is also an admitted fact, as contained in para No.3 of the petition that subsequent thereto, another petition, i.e. CRM-M-71469-2025 was filed by the petitioner. The above mentioned petition for bail was a joint petition, filed by the petitioner and his co-accused ‘Ravi Gupta’. The relevant extract of the above mentioned order is contained in para No.2 of the order which reads as under:-

“As prayed, dismissed as not pressed qua petitioner No.2, at this stage.”

29. A bare perusal of the above mentioned two orders goes to show that the petitioner has already tried his luck before this Court on two occasions, but he failed. In such circumstances, the law propounded by the Hon’ble Supreme Court of India in the case of ‘State of Maharashtra Vs. Capt. Buddikota Subba Rao’, AIR 1989 SC 2292 is relevant, wherein the Hon’ble Supreme Court has observed that subsequent application can be justified only on substantial change in fact-situation. It has been further elaborated by the Hon’ble Supreme Court of India that such change must be substantial one which has a direct impact on earlier decision and not merely cosmetic changes which are of little or no consequence.

30. Similarly, in the case of ‘Kalyan Chandra Sarkar (supra)’, it has



been observed by the Hon'ble Supreme Court of India that though an accused had a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has duty to consider the reasons and grounds on which the earlier bail applications were rejected and in such cases the court also has a duty to record what are the fresh grounds which persuaded it to take a view different from the one taken in the earlier applications.

31. While dealing with similar situations the High Court of Delhi in the case of 'Raj Kumar (supra)', observed that mere fact that former bail petitions were withdrawn does not make a big difference, because in most of the matter when the Court is about to dictate an order for rejection of bail petition, the same is withdrawn, and thus, if the former petition has been dismissed as withdrawn it may be treated to be dismissal on merit.

32. If the facts and circumstances of the present case are examined in the light of above mentioned settled principles of law, it transpires that the above mentioned principles are applicable to the facts of the present case rather in the instant case, particularly because in the order dated 05.12.2025, passed in CRWP-13025-2025 and CRM-M-68175-2025, it has been specifically mentioned by the Co-ordinate Bench of this Court, that the petitions were withdrawn by the learned Senior counsel for the petitioners after addressing arguments for some time. The abovementioned part of the order dated 05.12.2025, means that the petitions were withdrawn when the Court was not inclined to accept the same.



33. Similarly the order dated 19.01.2026, passed in CRM-M-71469-2025 shows that in the above mentioned case the benefit of bail was accorded to one of the petitioner, i.e. 'Ravi Gupta', but the same was denied to the present petitioner, as the above mentioned petition was withdrawn. The above mentioned fact further strengthens this view that while dealing with petition i.e. CRM-M-71469-2025 the mind was applied by this Court with regard to right of petitioner for bail.

34. If the cumulative effect of above mentioned events, which have unfolded in the present case, coupled with the fact-situation and the above discussed law are analysed co-jointly, it leads to a conclusion that the present petition for bail, which does not disclose any significant change in fact-situation or prevailing circumstances from the date of dismissal of former petition, fails to meet the test laid down by the Hon'ble Supreme Court of India in the case of 'Capt. Buddikota Subba Rao (supra)' and 'Kalyan Chandra Sarkar (supra)'. Thus the first point is hereby answered accordingly i.e. against the petitioner, while holding that the present petition being third petition without change in circumstance is not maintainable.

35. For the sake of arguments if it is assumed that the present petition is maintainable the benefit of bail can be accorded to the petitioner only when *firstly*, the petitioner is able to prove that he had no *mala fide* intentions at the time of entering into contract/deal with the complainant/respondents No.2 and 3, and *secondly*, on proving that he was not properly served with the grounds of arrest, and therefore, his arrest is defective.



36. As far as the first component is concerned the sequence of events which have taken place in the present case are relevant. Those are:

- i) that there is no denial of the fact (as per allegations of the complainant/respondents No.2 and 3) that the deal between the complainant/respondents No.2 and 3 and the company of petitioner came into being when on 02.08.2024 the petitioner, along with his co-accused namely 'Ravi Gupta' and 'S.P Das', approached the complainant/respondents No.2 and 3 in their office and proposed to deal in HR coils, being manufactured by 'JSPL', and offered to supply the same through the company of petitioner;
- ii) that there is no denial of the fact that for the purchase of above mentioned goods initially a sum of Rs.3,25,00,000/- was paid by the complainant/respondents No.2 and 3 to the company of petitioner on 08.08.2024;
- iii) that subsequently on 03.09.2024 a sum of Rs.4,50,00,000/- + Rs.8,00,00,000/- was paid by the complainant/respondents No.2 and 3 to the company of petitioner;
- iv) that there is nothing on record to show that for the purchase of HR Coils, from the manufacturer, any order was placed by the company of the petitioner or any payment was made to the manufacturer, by the petitioner's company;
- v) that subsequently while accepting the liability cheques were issued by the petitioner/co-accused in favour of complainant/respondents No.2 and 3, and the same have been dis-honoured.

37. All the above mentioned events makes it apparent that right from the very beginning the intentions of the petitioner and his co-accused were, not to enter into a *bona fide* business deal rather the failure of company of the



petitioner to place order with the manufacturer *prima facie* reflect the *mala fide* intentions of the petitioner to cheat the complainant/respondents No.2 and 3. Thus, it is hereby held that instant case is not a pure case, wherein a pure business deal has been the victim of circumstances, and the only fault on the part of the petitioner is the mere failure to discharge his contractual obligation. Thus, *prima facie* this allegation of the complainant/respondents No.2 and 3 cannot be brushed aside that there was an element of cheating, on the part of petitioner & his co-accused, at the time of deal between the company of petitioner and the company of complainant/respondents No.2 and 3.

38. With regard to next component i.e. failure of Investigating Officer to serve the grounds of arrest to the petitioner, it is relevant to mention here that the copy of charge-sheet filed by the police under Section 193 of BNSS is available on record and the copy of memo dated 17.11.2025 shows that on 17.11.2025 when the petitioner and his co-accused were arrested, two memos were prepared by the Investigating Officer. A perusal of contents of above mentioned memos show that petitioner and his co-accused through a written memos were informed that they were being arrested in a case which was lodged on the complaint of 'Abhay Gupta' and 'Sudhir Gupta', with regard to fraud and cheating of a sum of Rs.15,75,00,000/- paid to the petitioner and his co-accused, for the purchase of HR Coils manufactured by 'Jindal Steel Private Limited'. The above mentioned memos also show that it was also informed in writing to the petitioner and his co-accused, that the money was transferred into the account of their company 'M/s Swadesh Green Infra Limited'



Narayana Industrial Area Phase-I Delhi, and that as per deal the above mentioned goods were never supplied to the complainant/respondents No.2 and 3 nor the money was returned.

39. In addition to above, another memo dated 17.11.2025, also shows that the Investigating Officer had also recorded his satisfaction to the effect that there was a cheating by the petitioner and his co-accused, and that the victim of the same was company of the complainant/respondents No.2 and 3.

40. With regard to above mentioned grounds another significant aspect to be taken into consideration is that, this is not the first petition, wherein this plea has been taken by the petitioner. Rather, in CRWP-13025-2025 also the similar grounds were taken and once the above mentioned writ petition has been dismissed as withdrawn, it is hereby observed that the petitioner is precluded from taking the above mentioned ground in the instant bail petition.

41. In view of above mentioned observations, it is hereby held that the petitioner is not entitled to draw any benefit of the law propounded by the Hon'ble Supreme Court of India in the case of 'Mihir Rajesh Shah (supra)', 'Dr. Rajinder Rajan (supra)', 'Pankaj Bansal (supra)' and 'Vihan (supra) etc.'.

42. As a sequel to above mentioned discussion recorded in the foregoing paragraphs, it is hereby observed that the present petition is devoid of merit as:

firstly, it is not maintainable and;

secondly, any justified ground for bail does not exist in favour



of petitioner.

Hence, finding no merit, the present petition is hereby dismissed.

43. It is, however, made clear that any observation, recorded hereinabove, is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

Pending miscellaneous application, if any, stands disposed of accordingly.

(SURYA PARTAP SINGH)
JUDGE

06.05.2026
Manoj Bhutani

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