



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

209 CRM-M-16761-2026 (O&M).
Date of Decision: 05.05.2026.

Abhishek VohraPetitioner.

VERSUS

State of PunjabRespondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vipin Mahajan, Senior Advocate with
Ms. Gaganbir Kaur Kahlon, Advocate for the petitioner.

Mr. Vinay Malhotra, Deputy Advocate General, Punjab.

Mr. Aditya Anand, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Abhishek Vohra	21	12.02.2026	318(4), 61(2) of BNS (420 and 120-B IPC)	Kalanaur	Gurdaspur

2. On 27.03.2026, following order was passed:-

“1. xxx

2. Complainant, Kushal Chand Vohra, lodged the present FIR against the petitioner, Abhishek Vohra, and other co-accused, namely Deepak and Manoj. Petitioner is the nephew of the complainant.

A civil suit for recovery of Rs. 85 lakhs, titled M/s K.K. Rice and General Mills, was instituted by the complainant against M/s Sharma Commission Agents, Kalanaur, through its partner Gajinder Kumar (father of the petitioner, now deceased). The suit was decreed vide judgment and decree dated 21.10.2015, and the counterclaim filed by the petitioner (being defendant and legal representative of his father) was dismissed. Subsequently, complainant filed an execution application before the Executing Court.

Meanwhile, petitioner challenged the judgment and decree dated 21.10.2015, and the appeal was allowed vide judgment and decree dated 03.10.2018. Consequently, the execution application filed by the complainant was withdrawn on 29.10.2018. As a result, the property in question, which had been attached pursuant to the order passed in the execution application, was detached because the application had been withdrawn by the complainant (the decree-holder).

As the first criminal case against the petitioner, the complainant got registered FIR No. 80 dated 13.06.2025 under Sections 420 and 177 IPC at Police Station Kalanaur, District Gurdaspur, alleging that the property, which was the subject matter of the civil suit, had been wrongly detached by the petitioner. Thereafter, a compromise deed dated 23.07.2025 (P-7) was executed between the parties.

3. Learned Senior Advocate referres to the terms and conditions recorded in the compromise deed dated 23.07.2025 (P-7), which reads as under:

“2. That the First Party shall execute a valid Sale Deed in favor of the Second Party after the sanction of mutation in their favor and hand over vacant or tenanted possession, to the second party and the party of the second part will pay Rs.60,00,000/- to the party of the first part on the day of execution of sale deed/transfer deed by way of demand draft or through RTS and the possession of the above said property will be handed over to the party of the second part on the same day. 3. That the First Party is duty bound to transfer the Patanama (lease/Occupancy Rights) of the Wakf Board land measuring 155% sq yd to the name of the Second Party and shall fully cooperate in all legal and procedural steps required for the said transfer. The property measuring 155 % sq yd and property measuring 19 marlas as mentioned above are adjoining properties.”

4. Counsel contends that both the aforementioned conditions were complied with by the petitioner. While transferring possession in the lease

deed for the Wakf Board land, handing over of possession by the petitioner to the complainant was duly recorded.

Subsequently, complainant filed an application for cancellation of bail in FIR No. 80, alleging in paragraph 3 that although petitioner (accused therein) had vacated possession of the property, later attempts were made to dispossess him forcibly, causing injuries. When the application for cancellation of bail was fixed for hearing before Sh. Raman Goklaney, learned Additional Sessions Judge, Gurdaspur, the complainant requested the matter be transferred to another court, alleging that the petitioner had already influenced the Judicial Officer.

While dismissing the application, it was recommended that the hearing of the cancellation application be conducted by another court. Subsequently, the application filed by the complainant was allowed vide order dated 19.02.2026, and the bail of the petitioner was cancelled. Petitioner is in the process of challenging the said cancellation order by filing a separate petition before this Court.

5. Learned Senior Counsel further argues that during the pendency of the cancellation application, complainant got registered another FIR No. 21 dated 12.02.2026 under Sections 318(4) and 61(2) of BNS (impugned herein), alleging that complete possession of the premises had not been handed over to him. This demonstrates that the primary motive behind registering these criminal cases is to protect possession over the disputed property, which was the subject matter of prolonged civil litigation.

Counsel further contends that there is a clear stipulation in the lease deed (Wakf Board property) as well as in the sale deed regarding handing over the possession to the complainant. Moreover, complainant himself had admitted in paragraph No. 3 of his cancellation application that petitioner had attempted to get the complainant dispossessed. Remedy available to the complainant, therefore, could not have been to register a criminal case. The registration of the instant FIR is nothing but an attempt to coerce the petitioner for resolving the issue of possession.

No suit for possession or violation of the decree has ever been filed before any civil court. Additionally, allegations made by the prosecution would require proving the allegations beyond the shadow of doubt through the documentary evidence and custodial interrogation, would not serve any meaningful purpose. Accordingly, counsel prays for the grant of anticipatory bail to the petitioner.

6. Notice of motion.

On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab puts in appearance on behalf of the respondent – State. He seeks some time to file reply.

7. *Adjourned to 05.05.2025.*

8. *In the meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. Petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

9. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

3. Continuing his submissions, learned senior counsel for the petitioner contends that in compliance of the order dated 27.03.2026, passed by this Court, petitioner has joined the investigation, and has fully co-operated. Therefore, he prays for confirmation of the said interim anticipatory bail order.

4. Learned State counsel on instructions from ASI Naresh Kumar, confirms the said averment made by counsel for the petitioner of joining the investigation on 01.05.2026 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation. He further submits that petitioner has submitted his Passport.

5. Heard learned counsel for the parties.

6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 27.03.2026, passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.05.2026
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No