



CRM-M-18267-2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18267-2026
Decided on: 11.05.2026

Utpal Das

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amrinder Singh, Advocate and
Mr. Aditya Panchit, Advocate
for the petitioner

Mr. Amish Sharma, AAG Haryana

Mr. Rahul Gautam, 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 FIR No.405 dated 10.06.2024, under Sections 408, 420 and 120-B of IPC (corresponding to sections 316(4), 318(4) and 61(2) of BNS) at Police Station Sadar Gurugram, District Gurugram.

2. On 06.04.2026, following order was passed:

“(i) xx xx xx xx

(ii) As per the case of prosecution, complainant-Jatin Gandhi, had obtained a licence for operating retail liquor shops at Fatikroy and Kumarghat in District Unakoti, Tripura. Upon establishment of the said retail liquor shops, petitioner was employed in August 2022 as a helper by co-accused Naveen Kumar @ Naveen Pawar. The retail sale of liquor commenced on 15.09.2022.

Prosecution alleges that a substantial stock, worth more than Rs.1 crore,



was entrusted to the petitioner for the purpose of retail sale, and he was responsible for depositing the daily sale proceeds in the designated bank account. It is further alleged that there was a shortfall in the deposit of a substantial amount of Rs.61,86,509/- by the petitioner. Complainant has also alleged that petitioner was in a position of dominion over the stock and sale proceeds, and by failing to deposit the entrusted amount, he committed criminal breach of trust for unlawful gain.

(iii) Learned counsel for the petitioner argues that petitioner was appointed by co-accused Naveen Kumar alias Naveen Pawar, who has already been granted the concession of anticipatory bail by the Court of learned Additional Sessions Judge, Gurugram, vide order dated 10.09.2025 (Annexure P-5). It is further contended that the allegation regarding misappropriation of Rs.61,86,509/- is based merely on estimations and not on any verified or confirmed stock, inventory, or sales records. In the absence of any documentary evidence such as closing stock, stock registers, or audited accounts, the calculation relied upon by the prosecution cannot be treated as reliable or verified.

It is further submitted that an amount of Rs.11,12,403/- had been deposited on 15.10.2022 towards statutory payments payable to the Tripura Excise Department. Therefore, allegation that the said amount was transferred to the petitioner for stock replenishment is wholly baseless.

(iv) Further submits that, in fact, as per the record, it was co-accused Naveen Kumar alias Naveen Pawar who was in charge of the stock and sales, and petitioner was merely functioning as a helper. Despite having no responsibility or liability for the alleged non-deposit, petitioner has been unnecessarily made a scapegoat.

It is also argued that the allegations are not supported by documentary evidence, and the mandate of law laid down in 'Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273', has not been complied with, as the Investigating Officer has failed to adhere to the provisions of Section 41-A Cr.P.C.

(v) Lastly, it is submitted that petitioner is ready and willing to join the investigation and fully cooperate with the same, if protected from arrest by this Court. Thus, counsel prays for grant of anticipatory bail to the petitioner in the present case.

(vi) Notice of motion.

(vii) On advance notice, Mr. Parveen Kumar Aggarwal, Addl. AG, Haryana, puts in appearance on behalf of the respondent – State, and Mr. Rahul Gautam, Advocate, puts an appearance on behalf of the complainant.

(viii) Adjourned to 11.05.2026.



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

(x) *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. Status report by way of an affidavit of Sh. Vishal, HPS, Assistant Commissioner of Police, EOW, Gurugram on behalf of the respondent-State has been filed in the Court today. The same is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State counsel on instructions from ASI Mohan submits that the petitioner has joined the investigation on 27.04.2026, and as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 06.04.2026 passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

6. The 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. However, present order would be subject to the submission of his passport to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.



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8. It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

11.05.2026

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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned:	YES/ NO
Whether Reportable:	YES /NO