



CRM-M-27490-2026 1

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

201

CRM-M-27490-2026
Date of Decision:09.06.2026

Kartik Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Brigu Dutt Sharma, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Ms. Rishma Verma, Advocate for the complainant.

NEERJA K. KALSON J.(Oral)

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 Cr.P.C.) seeking grant of anticipatory bail in FIR No. 175 dated 17.09.2025, registered under Sections 318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 420 and 120-B IPC), at Police Station Division No. 1, District Police Commissionerate, Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. It is contended that a perusal of the FIR would show that the same has been registered on an application submitted by Jagdeep Singh, who is engaged in the business of fruits at

**CRM-M-27490-2026 2**

Jalandhar. The entire dispute between the complainant and the accused pertains to the alleged non-payment of the price of fruits purchased by the accused from the complainant and the dishonour of certain cheques issued towards such payment. It is argued that the matter essentially arises out of a commercial transaction and is civil in nature, for which appropriate remedies are available under law. On the aforesaid grounds, prayer has been made for grant of anticipatory bail.

3. Per contra, learned State counsel opposes the petition and submits that a meticulous examination of the evidence and determination of its probative value is impermissible at the stage of consideration of anticipatory bail. It is contended that the role attributed to the present petitioner is direct, active and substantial in nature, as the petitioner, acting in connivance with the co-accused, was one of the principal beneficiaries of the fraudulent transactions and actively participated in inducing the complainant to deliver fruit consignments worth approximately ₹57,00,000 during the period from 07.03.2025 to 03.04.2025.

4. It is further submitted that the fruit consignments in question were supplied by the complainant in the name of the petitioner's firm and the petitioner remained directly connected with the business transactions conducted with the complainant; various cheques were issued from a Punjab National Bank account belonging to the petitioner towards payment of the fruit consignments; the said cheques, upon presentation, were dishonoured due to insufficiency of funds and mismatch of signatures; it

**CRM-M-27490-2026 3**

was found during investigation that sufficient balance corresponding to the cheque amounts was not available in the petitioner's account on the dates the cheques were issued; a WhatsApp message dated 05.05.2025 sent from mobile number 7888387059 falsely depicting the availability of ₹44,00,000 in the petitioner's account was verified during inquiry and was found to be fabricated and manipulated; the bank statement obtained from Punjab National Bank revealed that only ₹730 was available in the petitioner's account on the relevant date; and that the complainant was dishonestly induced to deliver fruit consignments worth approximately ₹57,00,000 on the basis of cheques issued despite the petitioner's knowledge regarding insufficiency of funds in the account.

5. It is further submitted that investigation is still underway and the final report/challan shall be presented before the competent Court upon completion thereof. Accordingly, prayer has been made for dismissal of the present petition.

6. I have heard learned counsel for the parties and have perused the record.

7. The principal contention raised on behalf of the petitioner is that the dispute is essentially civil in nature, arising out of a commercial transaction. However, at this stage, the Court is required only to examine whether the allegations and the material collected during investigation disclose a prima facie case warranting custodial protection, and not to adjudicate upon the correctness of rival contentions.



CRM-M-27490-2026 4

8. This Court also finds it significant that during the course of arguments, no submission was advanced on behalf of the petitioner regarding any bona fide effort to discharge the liability allegedly arising from the transactions in question. Though not conclusive by itself, the said circumstance cannot be entirely ignored while considering the prayer for anticipatory bail.

9. A *prima facie* examination of the record reveals that the allegations are not confined merely to non-payment of dues arising out of a business transaction but also encompass allegations of dishonest inducement, issuance of cheques despite alleged insufficiency of funds and use of purportedly fabricated material regarding availability of funds. Whether such allegations ultimately stand proved is a matter for investigation and trial.

10. Without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner has failed to make out a case for the grant of anticipatory bail.

11. Consequently, finding no merit in the present petition, the same is dismissed.

(NEERJA K. KALSON)
JUDGE

09.06.2026

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