



CRM-M-34750-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRM-M-34750-2025
Decided on: 16.03.2026

VIVEK ALIAS NANDU ALIAS VIVEK MALHOTRA
.....Petitioner
Versus
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Bharat Kumar, Advocate, for the petitioner.
Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

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
Vivek @ Nandu alias Vivek Malhotra, aged about 44 years	69	09.06.2025	316(2), 318(4) of BNS	Jodhewal	Police Commissionerate, Ludhiana

2. On 07.07.2025, following order was passed:-

“2. Counsel reads out the contents of the FIR and submits that it is a case of civil dispute. It is submitted that complainant Harish Passi used to supply hosiery material to the named accused, Sovit Kumar @ Sovi, Gaggi and Nandu Malhotra, which was being manufactured in the complainant’s unit, namely, MR Knits International.
3. As per the allegations, the named accused initially made payments for the hosiery goods upon



delivery. However, on 12.09.2022, there was a balance of an amount of Rs.25,56,213/-, which was yet to be received by the complainant. After certain calculations were carried out, an amount of Rs.8,00,000/- was paid on 31.08.2024, with a mutual understanding that now the remaining balance amount is around Rs.10,59,000/-. Subsequently, on 11.10.2024, an application was moved by the complainant against Sovit Kumar @ Sovi, Vivek Kumar @ Nandu (petitioner herein) and Gaggi Malhotra, which was duly inquired into by the police.

4. Counsel contends that again certain terms were laid down in regard to payment of the remaining balance amount of Rs.10,59,000/-. As per the agreement, an amount of Rs.40,000/- was to be transferred to the complainant on a monthly basis, and a cheque bearing No.765796 of PNB Branch Civil Lines Ludhiana, amounting to Rs. 10,19,000/-, was given to the complainant Harish Passi as security. The allegation now is that neither monthly payments are being made nor the entire settled amount has been paid in any manner. Thus, counsel argues that the registration of FIR is nothing more than an arm-twisting tactic to force the petitioner to pay the remaining balance amount, whereas it could be sorted out either by presenting the cheque or by filing a civil suit. Even if the allegations are taken up to be correct at face value, the registration of FIR is not legally sustainable. Accordingly, he prays for grant of anticipatory bail.

5. Notice of motion.

6. Mr. Neeraj Madaan, learned Senior Deputy Advocate General, Punjab, who is present in Court on advance copy, accepts notice and seeks time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.

7. Adjourned to 29.09.2025.

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, 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 be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

9. Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the



Country, he would seek prior permission from the Investigating Agency/concerned Court.”

3. Continuing his submissions, learned counsel for the petitioner contends that in compliance of the order dated 07.07.2025, 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. However, he fairly submits that passport of the petitioner is due to be renewed. Therefore, he prays for grant of some time to submit the same before the concerned investigating officer.

4. Learned State counsel on instructions from ASI Balkar Singh, confirms the said averment made by counsel for the petitioner of joining the investigation on 22.08.2025 by the petitioner.

However, he submits that to obviate the possibility of fleeing from the country by the petitioner, he be directed to surrender his passport before the concerned Investigating Officer.

5. Heard learned counsel for the parties.

6. Since, petitioner has already joined the investigation; ad-interim bail order dated 07.07.2025, passed by this Court is hereby made absolute. **Accordingly, present petition is allowed.**

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.

8. However, present order would be subject to the submission of passport by the petitioner to the Investigating Agency or to Court concerned, if he possesses, **within a period of six weeks from today.**



CRM-M-34750-2025 4

Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.

It is clarified that in case, the aforesaid condition is not complied with, present order shall automatically be treated as *non est*, and Investigating Officer shall be at liberty to arrest the petitioner, in accordance with law.

9. With the directions issued here above, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

16.03.2026
Lavisha

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