

2026:PHHC:029030



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40347-2023 (O&M)

Kulbir Singh Sawhney and another

....Petitioners

versus

State of Punjab

....Respondent

Date of Decision: February 24, 2026

Date of Uploading: February 24, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Preetinder S. Ahluwalia, Senior Advocate with
Mr. Siddharth Sihag, Advocate and
Mr. Udaiveer Sidhu, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. S.S. Narula, Senior Advocate with
Mr. Gurvinder Singh Dhillon, Advocate and
Mr. Inderjeet Sihag, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of
concession of anticipatory bail to the petitioner, in case FIR No.141 dated
29.07.2023, under Sections 406, 420 and 120-B of IPC, 1860, at Police
Station Phase 1, SAS Nagar, Mohali.

2. On 04.09.2023, the following order was passed:

*“Short affidavit of Sh. Prabhjot Kaur, PPS, Deputy Superintendent
of Police, (City-I), District S.A.S. Nagar, filed on behalf of respondent
No.1-State is taken on record.*

*Registry to tag the same at appropriate place.
Copy supplied to the other side.*

Contends inter-alia that prior to registration of FIR in question, petitioner had already submitted two complaints dated 12.04.2023 & 08.05.2023 as well as instituted two suits against the complainant; thus, present criminal action is just a counterblast to the recourse taken by the petitioner.

Faced with the above situation, learned counsel for the complainant seeks time to have instructions and/or file response to the matter.

Posted on 12.09.2023.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

3. Learned State counsel has filed short reply by way of an affidavit dated 23.02.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said short reply, learned State counsel (on instructions) has stated that the petitioners have repeatedly joined investigation, but their custodial interrogation is required for unearthing the complete details of the offence as also recovery of lorry receipts.
4. Learned senior counsel for the complainant has opposed the grant of anticipatory bail to the petitioners by arguing that there are direct/serious allegations against the petitioners. In case, the petitioners are extended the concession of anticipatory bail, there is all the likelihood that they may impede the investigation as also absconding from the process of justice and interfering with the prosecution evidence/witnesses.
5. Keeping in view the entirety of factual *milieu* of the case in hand, and having heard learned counsel for the parties and upon perusal of the record; especially, when the backdrop of the matter appears to be pertaining to a civil dispute, the petitioners being on interim anticipatory bail since September 2023, the petitioners repeatedly having joined investigation, nothing substantial/ worthwhile having been raised against the petitioners

qua misuse of aforesaid interim protection; this Court is inclined to confirm the interim order dated 04.09.2023 passed by this Court, and the same is made absolute, subject to the conditions as enumerated under Section 438(2) of Cr. P.C./482(2) of BNSS, 2023.

6. Petition stands allowed, accordingly.

7. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violate any condition stipulated under Section 438(2) of Cr. P.C./482(2) of BNSS, 2023 or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 24, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No