IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

101-1

CRM-M-43216-2025 (O&M)
Date of decision: 06.04.2026

Mukesh Bansal ...Petitioner

VERSUS

State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vinod Ghai Senior Advocate assisted by
Mr. Arnav Ghai, Mr. Rishabh Gupta, Ms. Kashish Sahni &
Mr. Sukrit Chadha, Advocates for the petitioner(s).

Dr. (Ms.) Savi Nagpal, AAG, Punjab.

Mr. Neeraj Jain and Mr. Karan Singh, Advocates,
for the complainant.

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VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case bearing FIR No.254 dated 12.10.2024 registered under Sections 420 of the Indian Penal Code, 1860 at Police Station Sadar Mansa, District Mansa.

2. The FIR in the present case has been registered on the complaint submitted by one Abhishek Garg, son of Ashwani Kumar Garg, proprietor of M/s Gopal Seed Farm, District Mansa. It is averred therein that the complainant is engaged in the business of seeds at Village Musa and has registered his firm in the name and style of M/s Gopal Seed Farm, Talwandi Road, Village Musa, District Mansa, bearing GSTIN No. 03BHNPG4061L3Z9. It is stated that on 17.12.2023, the complainant received a demand letter from the accused firm, pursuant whereto the rates for purchase and sale of seeds were settled between the parties. It is further

alleged that on 22.12.2023, the accused firm placed an order for 6000 quintals of corn seeds; however, at the time of delivery, a total quantity of 6380.80 quintals was received by the accused, amounting to a total consideration of Rs.3,25,41,978/-. Thereafter, on 01.02.2024, the accused firm placed another order for 3000 quintals of moong seeds, which were supplied by the complainant at the rate of Rs.13,300/- per quintal, amounting to Rs.3,99,00,000/-. It is further alleged that on 11.03.2024, the accused firm assured payment at a rate higher by Rs.900/- per quintal for corn seeds and sought time for making the payment. Subsequently, on 10.04.2024, the accused firm placed a further order for 4000 quintals of seeds, which were supplied by the complainant at the rate of Rs.13,300/- per quintal, amounting to Rs.5,32,00,000/-. It is alleged that the accused firm received all the goods so supplied; however, against the total outstanding amount, only a sum of Rs.1,06,50,000/- was paid through banking channels on different dates and a substantial amount remained unpaid. It has further been stated by the complainant that, despite repeated demands, the accused failed to clear the outstanding dues and in May 2024, when the complainant visited the premises of the accused to demand payment, a false complaint was lodged against him by the accused, alleging assault and threats, which allegations were subsequently found to be false during inquiry. It is also alleged that the accused persons, namely Mukesh Bansal and his wife Diksha Bansal, used to abuse and threaten the complainant whenever payment was demanded. The complainant has further stated that on 07.05.2024, accused Ashok Kumar took him to Kot Bakhtu Society, District Bathinda, where certain persons, including one Balram, introduced as a secretary, misrepresented that the goods supplied by the complainant had been received by the society and that payment was pending with the Government. It is stated that documents were shown to the complainant in this regard, which were later found to be forged and fabricated. Complainant also submitted that the accused, in collusion with each other, dishonestly induced the complainant to supply goods worth several crores of rupees and thereafter refused to make payment. It is alleged that the accused tampered with the bills issued by the complainant, failed to account for the goods in their books and disposed of the goods in cash transactions to third parties, thereby cheating the complainant and causing wrongful loss to him while deriving wrongful gain for themselves. The complainant has further alleged that the accused extended threats to him, stating that he could not take any action against them and that any complaint to authorities would result in harm to his life and property. It is also alleged that the accused have manipulated records to evade tax liabilities and have thereby committed financial irregularities. It is further stated that the complainant has suffered substantial financial loss on account of the alleged acts of the accused, which has adversely affected his business and personal life. It is also apprehended that the accused may abscond and flee abroad to evade legal proceedings. On the basis of the aforesaid allegations, a prayer was made for registration of a case against the accused persons.

3. Learned Senior Counsel contends that the complainant had submitted an application before the Senior Superintendent of Police, Mansa, pursuant to which an inquiry was entrusted to the Deputy Superintendent of Police, Mansa. It is submitted that, vide communication bearing No.

366/5C/SP(B) dated 12.07.2024, the Deputy Superintendent of Police submitted a detailed report wherein it was concluded that the total value of the seeds/material supplied to the petitioner was approximately Rs.4 crores, out of which an amount of about Rs.1.5 crores had already been paid to the complainant. It was further observed in the said report that, although the complainant had raised a demand of nearly Rs.12 crores, no material was found on record to substantiate or justify such a claim. Learned Senior Counsel further submits that the inquiry report also recorded that the dispute between the parties arose out of mutual financial transactions. It was also noted that certain persons, namely Dr. Romi, Tarsem Singh and Kewal Singh, residents of Rama Mandi, District Bathinda, who were partners with the petitioner in a separate firm, had no connection with the present transaction. It is contended that, upon an overall assessment, the Deputy Superintendent of Police concluded that the matter pertained essentially to a financial dispute involving rendition of accounts, thereby giving rise to a civil liability rather than a criminal offence. Accordingly, it was recommended that the complaint be filed. The said report was accepted by the competent authority. It is further contended that, notwithstanding the aforesaid recommendation and acceptance thereof, the matter was subsequently marked for a further inquiry by the Superintendent of Police.

4. Learned Senior Counsel further submits that, being aggrieved by the initiation of a subsequent inquiry despite the earlier inquiry report having been accepted, Diksha Bansal, wife of the petitioner, approached this Court vide CRM-M-38489-2024 contending therein that, once a detailed inquiry had already been conducted and the report had been approved by the

competent authority, there was no justification for subjecting the matter to multiple inquiries. It is submitted that this Court, vide its order dated 09.08.2024, issued notice to the respondent–State, after taking note of the aforesaid contention, observing that the initiation of successive inquiries, in the absence of any fresh material, was prima facie unwarranted. The matter was subsequently taken up on 16.07.2025, where this Court reiterated that, once the allegations had been duly examined and the findings of the inquiry conducted by the Deputy Superintendent of Police had been approved by the District Police Chief, there was no occasion to re-open or re-conduct the inquiry on the basis of the same set of allegations. It was recorded that despite issuance of notice of motion on 09.08.2024, the jurisdictional police authorities overstepped their powers by registering the FIR especially when the matter was sub judice before this Court. Thus, a strong observation was recorded against the police, by this Court in its order of 16.07.2025. It is submitted that the said petition, i.e. CRM-M-38489-2024, is still pending adjudication. Learned Senior Counsel also submits that the petitioner had, in an attempt to amicably resolve the dispute, offered to transfer a parcel of land, valued at approximately Rs.2.5 crores, towards settlement of accounts; however, the complainant has not agreed to the said proposal.

5. It is submitted that the dispute ex facie pertains to rendition of account arising out of commercial transactions between the parties, and that the claim of Rs.12 crores approx., as asserted by the complainant, has not been substantiated by any material on record as is evident from the inquiry reports submitted by the police authorities. It is submitted that pursuant to the order dated 08.08.2025 passed by this Court, the petitioner has already

joined investigation and furnished all requisite documents to the investigating agency, thus, his custodial interrogation is not required. It is further submitted that apart from one other FIR bearing No.129 dated 30.09.2024 that has been registered at the instance of the complainant's brother, there is no other criminal case registered against the petitioner.

6. Learned State counsel, on instructions from ASI Pargat Singh, No.533/Mansa, corroborates the said assertion and admits that custodial interrogation of the petitioner is not required any further for the purpose of investigation.

7. Counsel for the complainant, on the other hand, contends that an incorrect submission was advanced by learned Senior Counsel for the petitioner at the time when interim protection was granted vide order dated 08.08.2025.It is argued that the allegations forming the subject matter of FIR No. 129 dated 30.09.2024 are distinct and not identical to those in the present case. It is further contended that, even pursuant to the subsequent order dated 11.09.2025, the petitioner has failed to furnish complete documents to the Investigating Agency. Hence, the petitioner has acted in a fraudulent manner and has deceived the complainant by inducing him to supply seeds and thereafter misappropriating the proceeds thereof.

8. It has however been put to learned counsel for the complainant that even after the order dated 08.08.2025 granting interim protection to the petitioner, the matter was listed before the same Bench on as many as 5 occasions, out of which on 4 dates the petitioner was duly represented. A specific query was therefore raised as to why any such objection, if valid, was not brought to the notice of the Court at the relevant stage. Learned

counsel for the complainant, however, is unable to furnish any satisfactory explanation in response to the said query.

9. I have heard learned counsel for the respective parties and have gone through the documents appended alongwith the present petition.

10. It remains undisputed that in the initial inquiry conducted by the police authorities, which stood approved by the District Police Chief, no criminal offence was found to be made out against the petitioner. The said inquiry came to a conclusion that the dispute between the parties was essentially civil in nature. However, notwithstanding the aforesaid conclusion, a subsequent re-inquiry came to be initiated, pursuant to which the present FIR was registered. This action assumes significance in view of the fact that CRM-M-38489-2024, in which notice of motion had already been issued by this Court, was pending adjudication at the relevant time. This Court specifically strongly noticed against the police that the FIR has been registered on the basis of a subsequent inquiry notwithstanding that this Court was already seized of the matter. In these circumstances, the Senior Superintendent of Police was directed to file an affidavit clarifying the reasons, circumstances, and justification for initiating a re-inquiry and for proceeding with the registration of the FIR, despite the earlier inquiry having been concluded and the matter being pending before this Court.

11. Insofar as the contention regarding non-submission of accounts or complete documentation is concerned, I am of the view that the said objection primarily pertains to rendition of accounts between the parties wherein the invoices, billings, purchase orders/assignments and corresponding financial transactions are to be compared between the parties

and the same are matters ordinarily falling within the realm of civil adjudication. Mere non-submission or alleged insufficiency of certain documents, in such a commercial arrangement, would not, by itself, give rise to an inference of fraudulent inducement or criminal intent. The determination of such issues would require a detailed scrutiny of accounts and contractual dealings between the parties, which such an exercise is not to be undertaken in these proceedings at this stage. Thus, a mere absence of documents does not ipso facto constitute an offence of cheating or fraudulent allurement and is to be assessed in the broader context of the commercial relationship between the parties.

12. Significantly, the State itself submits that the petitioner has already joined the investigation and his custodial interrogation is no longer required for the purpose of investigation in the present case.

13. Hence, without commenting on the merits of the matter and taking into consideration the circumstances noticed hereinabove and bearing in mind the existence of arguable issues with respect to the criminal culpability of the petitioner, the commercial relationship between the parties and the response of the State, the present petition is **allowed** and the interim order dated 08.08.2025 is made absolute.

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

(VINOD S. BHARDWAJ)
JUDGE

06.04.2026
Sumit Gusain

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

SUMIT SINGH GUSAIN
2026.04.10 19:57
I attest to the accuracy and
integrity of this document