



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

102 (2 cases)

CRM-M-55742-2025 (O&M);

CRM-M-55850-2025 (O&M)

Date of decision: 06.04.2026

1. CRM-M-55742-2025

Jai Parkash Mittal

...Petitioner

VERSUS

State of Punjab and another

...Respondents

2. CRM-M-55850-2025

Sunil Kumar Mittal

...Petitioner

VERSUS

State of Punjab and another

...Respondents

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

Present :- Mr. Vipul Aggarwal. Advocate for the petitioner(s)
in both the petitions.

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

Mr. Mansur Ali, Senior Advocate assisted by
Ms. Amarpreet Kooner, Mr. Vaibhav Garg and
Ms. Amandeep Kaur, Advocates, for the complainant
in both the petitions.

VINOD S. BHARDWAJ, J. (Oral)

Both these petitions arising out of the same case bearing FIR No.135 dated 12.06.2025 registered under Sections 420, 406, 120-B of the Indian Penal Code, 1860 at Police Station City-I Abohar, District Fazilka having been filed by two different accused, are hence being decided by a common order.

2. For the facility of reference, facts are being extracted from CRM-M-55742-2025 titled as '*Jai Parkash Mittal Vs. State of Punjab and another*'.

3. The FIR in the present case has been registered on the

complaint of Vaibhav Charaya son of Ramesh Kumar Charaya, GPA Holder of the firm M/s Bagha Ram Ramesh Kumar (proprietor Ananya Charaya), the same reads as under:-

Sir, It is requested that I Vaibhav Charaya son of Ramesh Kumar Charaya am resident of Street No.7 Sharda Vihar Abohar Tehsil Abohar District Fazilka. That my sister Ananya Charaya is the owner of the firm M/s Bagha Ram Ramesh Kumar, Mandi No.1 Abohar. She resides in Canada and has appointed me as her General Power of Attorney holder to operate, supervise and conduct transactions of the said firm. 1 accordingly look after its dealings as her attorney. 2. That the said Jai Prakash Mittal son of Gobind Ram Mittal, Vasu Dev Gupta son not known, Minku Gupta @ Mahesh Gupta son of Vasu Dev, Sunil Mittal son of Gobind Ram Mittal, and Piyush Mittal son of Jai Prakash Mittal have constituted their firms, namely M/s AMM GEE Traders, Mandi No.1 Abohar and M/s Manak Chand Gobind Ram Commission Agents, Mandi No.1 Abohar. These firms are run by the accused persons, who conduct money transactions and purchase crops through them. 3. Since our firm is situated in Mandi No.1, Abohar and the firms of the accused are also situated in the same mandi, we had good acquaintance with them and developed trust over time. About two years ago, the accused persons told us that good quality mustard crop was available in Abohar grain market and more farmers would be selling soon. They suggested that if we invested money in purchasing mustard crop, we would earn good profits. They told us we only had to provide funds and would not have to handle purchase, storage or sale. They said they had godowns for storage and would purchase mustard themselves through their firms, keep it safely and when rates rose, they would sell and return our investment alongwith profits, deducting only their expenses and commission. Believing their words, I trusted them and transferred

Rs.1,20,00,000/- (One Crore Twenty Lakh) through bank account (copy of bank statement attached). 4. That as per our above mentioned money, about two years ago, the accused persons purchased mustard through broker Amit Kumar, Abohar, stored it in their godowns and after deducting their expenses and commission, they were to return Rs. 1,16,06,770/- (One Crore Sixteen Lakh Six Thousand Seven Hundred Seventy) to me. 5. However, later on, the accused persons, by collusion and conspiracy amongst each other, has sold the mustard without informing us or obtaining our consent, appropriated the sale proceeds and thereafter, despite repeated demands, refused to return Rs.1,16,06,770/-. They kept giving excuses and false promises. Even panchayat interventions failed and ultimately they flatly refused to pay. 6. That on 07.06.2025, I alongwith Piyush Nagpal President, Commission Agents Union, Abohar, Shyam Lal Charaya son of Gopal Das, Tushar Charaya son of Subhash Charaya, Vikas Kumar son of Harbans Lal, Sahil Manchanda son of Raj Kumar Manchanda residents of Abohar and other respectable persons, went to the accused persons at their firm in Mandi No.1 Abohar and demanded our amount of mustard of Rs.1,16,06,770/-. The accused persons flatly refused to pay, openly declaring that we owe you nothing, do whatever you can, you cannot harm us. Even on being explained by the Panachyat, they did not listen and clearly refused to return me my money. Instead the accused threatened me with dire consequences and false implication in the cases. In this way I am scared for my life and property. In this way, the accused, in conspiracy with each other cheated me and misappropriated my money. It is necessary to state that in Lalita Kumari v. State of Uttar Pradesh, the Hon'ble Supreme Court held that in such matters of cheating and fraud, the police is bound to register an FIR immediately (copy of judgment attached). I apprehend that the accused may abscond from Abohar or even from India to escape liability.”

4. Learned counsel appearing on behalf of the petitioners contends that the petitioners are commission agents having business relationship with the respondent-complainant's firm since April, 2014. He further contends that it was a running account that was being operated inter se between the parties wherein the supplies were being received and payments were being made intermittently. He further contends that over a period of time till 12.09.2025, the duly consideration of the account shows that the amount payable is Rs.13.04 lacs. He further contends that the respondent-complainant had also supplied the commercial crop and that certain payments are delayed. It is submitted that the primary offence under Section 420 IPC is not made out inasmuch as the intention of the petitioners cannot be said to be fraudulent/dishonest from the beginning of the trading relationship between the parties at this stage. He further submits that delay of payment would not attract criminal culpable liability against the petitioners herein and that arguable issues would arise as regards the making out of an offence against the petitioners. It is also submitted that the petitioners have already joined investigation and their custodial interrogation is not required for the purpose of investigation in the case. He further submits that the investigation in the present case is complete but the challan is yet to be filed.

5. Learned State Counsel, on instructions from ASI Bhupinder Singh, No.679/FZK, does not dispute that the petitioners have joined investigation, however, she contends that notwithstanding the relevant account relationship inter se between the petitioners and the complainant, so far as the issue of investment into the mustard crop is concerned, from the

respondent-complainant being allured by the petitioners herein to invest, administer and being assured returns on the same is concerned, the same would be an arguable issue.

6. Heard learned counsel for the parties.
7. Taking into consideration the nature of relationship inter se between the parties being more than a decade old is not a point of dispute. It is also reflected that there are multiple transactions inter se between the parties over a period of time. Under the given circumstances, the arguable issues with respect to the nature of the crime committed by the petitioners, if any; besides, the respondent-State has already contended that the petitioners have already joined investigation and their custodial interrogation is not required and that the case in hand bases entirely on documentary evidence coupled with the fact that the petitioners are also not stated to be involved in any other criminal case, the present petitions are *allowed* and the interim order dated 01.10.2025 is made absolute.
8. 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.
9. A copy of this order be placed on the file of the connected case.

06.04.2026

Sumit Gusain

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)
JUDGE