IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

142

CRM-M-69688-2025

Rajiv Bajaj . . . **Petitioner**

Versus

State of Punjab . . . **Respondent**

1.	Date when the judgment was reserved	25.03.2026
2.	Date when the judgment is pronounced	06.04.2026
3.	Date when the judgment is uploaded on the website	06.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable.

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. P.S. Ahluwalia, Sr. Advocate with
Ms. Bhavi Kapur, Advocate, for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Gautam Dutt, Sr. Advocate with
Mr. Farhad Kohli, Advocate and
Mr. Yajur Mago, Advocate, for the complainant(s).

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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 here-under:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Rajiv Bajaj, aged about 59 years	94	04.11.2025	316(2), 318(4) of BNS, 2023	Division 'D'	Police Commissionerate Amritsar

2. **CASE OF THE PROSECUTION:-**

(i) Complainant – Manik Bajaj's father, namely, late Raman Bajaj and co-accused Rajiv Bajaj (**petitioner herein**) were cousins to each other and from the time of great grandfather of complainant – Manik Bajaj, they had been running the business of sale-purchase of colours and chemicals under the name and style '**M/s Des Raj Hasbans Lal**'.

To run another firm, Manik Bajaj's grandmother, namely Kiran Rani and Raman Bajaj being Karta of Harbans Lal HUF from one side and accused Rajiv Bajaj's mother, namely Usha Rani and accused Rajiv Bajaj himself being Karta of Shiv Kumar HUF from other side had constituted another partnership firm under the name and style of M/s Bajaj Brothers, wherein, they had been running the business of sale of colours and chemicals since the year 2003.

As a third business Manik Bajaj's father, namely Raman Bajaj and accused Rajiv Bajaj had started one more firm under the name & style of M/s Bajaj Impex in the month of October, 2015, wherein complainant Manik Bajaj's father, namely Raman Bajaj and his mother Anita Bajaj from one side and accused Rajiv Bajaj alongwith his wife Poonam Bajaj from the other side, had been running the business of embroidery and towel making.

(ii) Complainant Manik Bajaj's father, namely Raman Bajaj, who was one of the partners in all these firms, expired on

05.08.2024. Allegedly, on the pretext of effectively running the business of all these firms and for incorporating legal heirs of late Raman Bajaj as partners in the above-mentioned firms, accused Rajiv Bajaj arranged different stamp papers, but did not get any new partnership deed executed, rather, single handedly kept on running the business of all these firms illegally and unlawfully. Being the sole authorized signatory of the firms to withdraw money from the banks, for himself accused Rajiv Bajaj unlawfully withdrew the amount approximately of Rs.47,00,000/- from the firms namely M/s Des Raj Harbans Lal and M/s Bajaj Impex and transferred the same to the different accounts of his close family members. However, while defrauding the complainant Manik Bajaj, on the pretext of making equal distribution, transferred only an amount of Rs.10,00,000/-, whereas, assurance was given to withdraw the equal amounts for both the families.

(iii) As per clause 14 of the partnership deeds of all the firms, the legal heirs of the deceased Partner were to be incorporated in the partnership firms to run their business smoothly, but accused Rajiv Bajaj kept on delaying the matter of introducing the legal heirs of deceased partner Raman Bajaj in the partnership firms on one pretext or the other. Rather, during this period, accused Rajiv Bajaj deceitfully started selling machines of the firms. On his own, accused Rajiv Bajaj contacted Broker Vikas Bhatia to sell the embroidery Machine and after settling the amount, called complainant Manik Bajaj for the sake of formality and collected the amount of Rs.1,00,000/- only from the vendee in his presence, whereas he received the balance amount of Rs.40,43,100/- later on without any information to the complainant Manik Bajaj. Out of the said amount, he accounted only for the amount of Rs.20,88,119/- and thus, unlawfully usurped the remaining amount of Rs.20,55,000/-.

(iv) Further, alleged that accused Rajiv Bajaj deceitfully sold another sharing machine also, without there being any consent of complainant Manik Bajaj and collected the entire sale amount in cash from the vendee and he even did not furnish any account in this regard to the complainant Manik Bajaj.

3. An inquiry was conducted by SI Joginder Singh, Incharge, Economic Offences, Branch Amritsar, wherein, wherein, he concluded that accused Rajiv Bajaj has committed the fraud of approximately Rs. three crore by unlawful withdrawals from the accounts of the joint business and illegal and unlawful sale of the machines.

4. Describing family history/relationships, and the business history, Mr. P.S. Ahluwalia, learned Senior counsel for the petitioner argues that;

(i) Great grandfather of the complainant, namely Des Raj, was also the grandfather of petitioner and in the year 1951, started the business under the name of **M/s Des Raj Harbans Lal**, for trading of chemical dyes, however, he expired in the year 1970. Thereupon, business was taken-over by his two sons, i.e., (i)

Harbans Lal (grandfather of the complainant), and (ii) Shiv Kumar Bajaj (father of the petitioner). Aforementioned business was being run by the petitioner and complainant's father, who for the said purpose had entered into **a partnership agreement dated 11.06.2013**.

(ii) Partnership concern being run in the name of **M/s Bajaj Brothers**, was initially started by Harbans Lal (grandfather of the complainant) and Shiv Kumar Bajaj (father of the petitioner).

On 11.06.2013, petitioner and complainant's father took over the business and entered into another partnership agreement on dated 11.06.2013.

In M/s Bajaj Brothers, petitioner started representing Shiv Kumar Bajaj HUF and complainant's father started representing Harbans Lal Bajaj HUF.

(iii) Petitioner and complainant's father namely Raman Bajaj entered into another partnership agreement on dated 12.10.2015, and started business for trading of Embroidery Cloth under the name of **M/s Bajaj Impex**.

(iv) Up-till the year 2024, both the sides were running their business jointly and peacefully, however, after the death of complainant's father – Raman Bajaj, on 05.08.2024, both the sides became contemporary to each other, and as submitted by the petitioner's counsel, it was the complainant, who attempted to usurp the entire family business.

(v) Further submitted that after the death of the father of the complainant, a new partnership deed could not be prepared because Complainant continued to work in Delhi, as a Senior Business Analyst, at Indian Valley of Finance. However, petitioner had made all attempts to make the complainant participate in the family business. On the contrary, complainant, who was overseeing the operations of the firms namely, M/s Des Raj Harbans Lal and M/s Bajaj Brothers, has now ousted the present petitioner from the operations of the aforesaid firms and has even gotten the bank accounts for the said firms freezed.

To establish that complainant continued working as a Senior Business Analyst, at Indian Valley of Finance, petitioner places reliance the LinkedIn profile of the complainant, wherein, tax invoices issued by the complainant for the firms, namely, (I) M/s Des Raj Harbans Lal and (ii) M/s Bajaj Brothers, can be noticed.

(vi) Complainant was also involved in the operations of M/s Bajaj Impax, and this fact can be verified from the GST passwords of all the three firms, which was with the complainant only, and even GST returns could be filed only on the basis of OTP receipt on the mobile number of the complainant's deceased father.

5. Thus, from the aforementioned narration of facts, learned

Senior counsel for the petitioner argues that from all such details, it becomes amply clear that never there could be any attempt by the petitioner to oust the complainant from the family business, rather, it was complainant only, who had already taken control of the operations of all the firms.

It was while making attempt for usurping of the third business also, i.e., M/s Bajaj Impax that for motivated purpose, complainant moved complaint to police on 20th August 2025, and thereupon, impugned FIR was registered on 04.11.2025.

6. Learned Senior counsel further argues that when account of the business of manufacturing of chemicals dyes was freezed on 04.03.2025, both the complainant and the petitioner proceeded to open new separate firms for the same business for manufacturing of chemical dyes. Since, petitioner was of the mind that the business dispute could be addressed for its logical result only through partnership-deed, which was prepared on 11.06.2013, he issued different legal notices dated 17.09.2025, in regard to all three business, seeking settlement of dispute by way of arbitration.

7. Further argues that when complainant failed in responding to the legal notices, petitioner approached the Hon'ble High Court, and filed three separate applications for appointment of Arbitrators. Said applications are pending adjudication for the purpose prayed therein. Details of such applications are:-

(i) ARB-706-2025,

(ii) ARB-707-2025, and

(iii) ARB-710-2025

Therefore, learned Senior counsel argues that primarily dispute is of civil nature, and proper remedy would be of filing civil proceedings for rendition of accounts, and not the registration of criminal cases, because element of *'mens rea'* is completely missing in the dispute. Thus, learned Senior counsel prays for grant of anticipatory bail to the petitioner.

8. On the other hand, learned state counsel as well as learned Senior counsel representing the complainant, argue that a big fraud has been played by the petitioner. Rather, trust amongst the family members has been breached by the petitioner by misappropriating the amount from the partnership firm by withdrawing approximately a sum of Rs.47.00 lakhs from the business accounts, whereas, he allowed the complainant only to withdraw the amount of Rs.10.00 lakhs from the business account.

Further argued that machines, which were being used in the business were sold and the actually received amount of approximately Rs.40.00 lakhs was retained by the petitioner, whereas, in the account books, only as Rs.20,88,119/- was reflected and thus, misappropriated an amount of Rs.20,55,000/-.

Not only this, petitioner secretly opened new firm under the name of **M/s Bajaj TaxChem**, without seeking prior permission from the complainant.

9. It is further argued that in the complaint moved by the complainant, investigation was conducted by Economic Offences Branch, Amritsar, and a fraud of approximately Rs.3.00 crore was dug out by concluding that from the joint business, fraudulently, approximately an amount of Rs.3.00 crore has been withdrawn, and there are instances of illegal and unlawful sale of the business machines.

Thus, by defending the impugned order dated 02.12.2025, learned Senior counsel for the complainant submits that petitioner does not deserve any discretionary relief and he is required to be interrogated for the said purpose to find out the reasons of causing loss in the joint business, making the complainant only the suffer for it. Thus, prays for dismissal of the instant anticipatory bail petition.

10. I have heard the arguments addressed by all the three respective learned counsel, and also gone through the relevant record available on the case file, and while examining the record, could not escape of the notice of clause 14 & 17 of the partnership-deed, dated 11.06.2013, which reads as under:-

> *"14. That notwithstanding contained in the anything Partnership Act, it is hereby mutually agreed to by and between the in case of death of any of the partners that partner shall not be dissolved but shall continue to be carried surviving deceased conditions and partners legal heirs and/or representatives partner as a continuing concern on the same incorporated in this Deed or on as such conditions as may be agreed to by and between them from time. firm the on by the of the terms and terms and time to time.*
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> *xxx xx xxx xx*
> *xxx xx xxx xx*
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> *17. That all disputes and questions in connection with the partnership or interpretation of this deed arising between the partners or between any one of them and the legal representative and the other or between their legal representatives and whether during the continuation of or after the termination of this partnership shall be referred to*

Arbitration according to the provisions of the Arbitration Act in force.”

11. I have also noticed the copy of legal notices dated 17.09.2025, which in fact, are *‘Notices of Dissolution of Firm and Invocation of Arbitration Clause’.*

Notice has already been issued by this Court in the applications for appointment of arbitration, having been moved by petitioner – Rajiv Bajaj.

12. It appears to be almost admitted position on record that up-till the year 05.08.2024, family business was being run smoothly for the last many decades by the ancestors of the parties. It is only after the death of the complainant’s father, namely, Raman Bajaj on 05.08.2024, when complainant started alleging that entire family business has now been usurped by petitioner. There is no material or even allegation on record that there was any such dispute or breach of trust by petitioner, during life time of the father of complainant.

However, with the nature of such allegations, at this stage it cannot be determined as to which party is telling lie or which party has introduced false facts. There was a family business and for any reason it got disturbed and primarily it appears; because of the existence of lack of faith between/amongst the members of both the sides. In such like situations normally remedy need to be exhausted through the terms of the partnership-deed, wherein, clause of arbitration is introduced for some meaningful purpose. Moreover, there cannot be any dispute that arbitration applications for appointment of arbitrator are pending before this Court for its decision.

CONCLUSION:-

13. In view of the submissions addressed and as recorded here-above, this Court does not find any substantial reason for subjecting the petitioner to custodial interrogation. Moreover, petitioner does not appear to be an habitual or hardened criminal, requiring to put him behind bars for the purpose of joining him in the investigation, especially, in the background of the nature of allegations got recorded by the complainant.

Thus, in view of the ratio of law laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar; 2014(3) RCR (Criminal) 527 : Law Finder Doc Id #572180**, wherein it has been held that arrest is not to be made in a routine manner and must be justified on the touchstone of necessity as contemplated under Section 41 Cr.P.C. (now corresponding to Section 35 of the BNSS, 2023), and that personal liberty cannot be curtailed in a mechanical manner, this Court is of the considered view that custodial interrogation of the petitioner is not warranted.

In the absence of any distinguishing circumstances justifying denial of bail, petitioner is entitled to parity and deserves to be granted the concession of anticipatory bail.

14. Accordingly, **instant petition is allowed** and petitioner is directed to join the investigation within two weeks from today, or as and when called by the investigating agency, and in the eventuality of the arrest, petitioner would be released on anticipatory 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.].

15. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

16. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

17. In view of the observations made and with the directions issued here above, **present petition stands disposed of**.

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

(SANJAY VASHISTH)
JUDGE

April 06, 2026
J.Ram

Whether speaking/reasoned: ***Yes/~~No~~***
Whether Reportable: ***Yes/~~No~~***