

PBSA010033732026



Presented on : 01-04-2026
Registered on : 01-04-2026
Decided on : 15-04-2026
Duration : 0 years, 0 months, 14 days

**IN THE COURT OF
Additional Sessions Judge-2 AT Mohali,S.A.S Nagar
(Presided Over by Neetika Verma)**

BA/1009/2026

Mohammad Talib Mahboob Ghonia son of Late Mahboob Ghonia, agd about 64 years, Flat No. D-1104, Sagar Heights Chs, KA Rd, Opp. Sudarshan Hotel, Sakinaka, State Maharashtra, PIN Code: 400072.

.....Accused/Petitioner

Versus

State of Punjab.

.....Respondent

(First Application under Section 482 of BNSS for grant of anticipatory bail)

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FIR No. 371 Dated 01.11.2017
Under Sections 406, 420, 120-B IPC
Police Station : Zirakpur, District SAS Nagar, Mohali.

-O-O-

Present : Sh. Karan Kumar, Advocate for the applicant/accused.
Sh. A.P.S. Virk, Additional Public Prosecutor for the State.
SI Harjinder Singh, No.459/Sangrur, P.S. Dhakoli, Mohali
alongwith police record.

ORDER

1. The above named applicant has filed this application for grant of pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as BNSS) in case FIR No. 371

(Neetika Verma, ASJ/JSC, SAS Nagar UID no. PB0209)

Dated 01.11.2017 under Sections 406, 420, 120-B IPC registered at Police Station : Zirakpur, District SAS Nagar, Mohali.

2. Notice of the bail application was issued to the State and police record was requisitioned.

COMPLIANCE OF DIRECTIVE CONTAINED IN ORDER DATED 28.07.2021 PASSED BY HON'BLE PUNJAB AND HARYANA HIGH COURT IN CRM-M-1695-2021

3. Carried out. Ahlmad had reported that according to the information available in the CIS system, this is the first anticipatory bail application filed by the accused/applicant. No other bail application of the accused/applicant relating to this case/FIR is pending or decided by any Superior Court. The bail applications of co-accused Amarjeet Singh and Manshi Shankra had been allowed, whereas the bail applications of co-accused Ramesh Ravjibhai Naria, Akhil Parmar and Parkash Parmar @ Sandeep Bhhai Rathod had been dismissed.

ABSTRACT OF FIR:

4. The afore-referred FIR was registered on the basis of statement of one Bhushan Garg with the allegations that he was running business of supplying scaffolding and shuttering on hire basis in the name and style of M/S PEE KAY Scaffolding and Shuttering Limited at village Dhakoli, Zirakpur. Two persons namely Mansi Shankhara and Parkash Kumar met him in the first week of May, 2017 and proclaimed that they were authorized signatories of M/S Shanti Construction and asked him to supply Scaffolding and Shuttering on hire basis to them, but the deal could not be finalized. Thereupon

accused Akhil Parmar met him claiming himself to be owner of above said firm and assured him that he would himself look after the entire matter and further told him that their firm was to construct crude tank at Essar Marine Crude Tank Farm Vadinar, Jamnagar and they required huge quantity of shuttering and scaffolding for that purpose. One Amarjit Singh from Ambla also met him and assured him of payment. He also sent his representative Mukesh Kumar to visit office of accused at Jamnagar and after being assured of credibility of accused Akhil Kumar and others, he entered into agreement with accused Akhil Parmar on 19.05.2017 as he had assured payment within reasonable time. In pursuance thereof he supplied shuttering material worth Rs.4,95,60,000/- to the firm of accused Akhil Parmar from 25.05.2017 to 05.08.2017. Initially an amount of Rs.20 lacs was paid by accused and another sum of Rs.9,96,539/- was paid towards transport charges to show their credibility, but subsequently they stopped payment. Thus, an amount of Rs.22,99,390/- was due against accused towards hire charges as on 01.09.2017 and said amount kept on increasing. When no payment was received from the accused party, he enquired about the matter and came to know that accused had fraudulently sold away entire scaffolding and shuttering material taken from him to one Mr. Ramesh of Ajay Enterprises. When he approached Amarjit Singh of Ambala in that regard, he openly proclaimed that all this was done by all of them in connivance with each other to cheat him after winning his faith. On the basis of it, the aforesaid FIR was registered.

ARGUMENTS RAISED BY LEARNED COUNSEL FOR APPLICANT/ ACCUSED:

5. Contention of learned counsel for the accused-applicant is that the accused-applicant has been falsely implicated in this case. The petitioner is the sole proprietor of M/s Ruby Steel engaged in the business of dealing in and supplying scaffolding material since 1992 based in Village Taloja, District Raigad, Maharashtra and he holds valid GST and PAN registrations and regularly files his income tax returns. Upon inquiry, the petitioner was informed by Ramesh Naria and Ajay Naria of Ajay Enterprises that the present FIR had already been compromised and settled and a petition for quashing was allowed by Hon'ble Punjab and Haryana High Court vide order dated 28.02.2020 passed in CRM-M No.41826 of 2019. The allegations made by Jalaram Transport regarding delivery of goods to the petitioner's premises are completely false. No interstate delivery of goods can be made without valid GST bills and e-way bills and no such, delivery was ever made to the petitioner. The aforesaid FIR was quashed qua Ramesh Naria and Ajay Naria by the Hon'ble Punjab and Haryana High Court vide order dated 28.02.2020 passed in CRM-M-41826-2019 on the basis of a valid compromise between the parties. The accused-applicant is ready to join the investigation.

ARGUMENTS OF LEARNED ADDL. PUBLIC PROSECUTOR

6. On the other hand, while controverting the contentions put-forth by the counsel for accused, learned Additional PP for the State argued that serious allegations have been leveled against the

applicant/accused. He further argued that if the concession of bail is granted to the applicant/accused, he may try to influence the investigation and the prosecution witnesses. The learned Additional PP for the State has further argued that the investigation is still in progress and granting of bail to the accused/applicant would delay the said process as there is every likelihood that the accused/applicant would interfere with the investigation process. Hence, the applicant/accused does not deserve the leniency of the Court and should not be granted relief of bail.

GUIDING PARAMETERS

As outlined in *Gurbaksh Singh Sibbia v. State of Punjab, (SC) : Law Finder Doc Id # 104574 reported in 1980 AIR(SC) 1632 Bhadresh Bipinbhai Sheth v. State of Gujarat and Another : Law Finder Doc Id # 705395 reported in 2015 AIR(SC) 3090 Sushila Aggarwal and others - Petitioners Versus State (NCT of Delhi) and another – Respondents : Law Finder Doc Id # 1674499 reported in 2020 AIR (SC) 831*

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made; (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence; (c) The possibility of the applicant to flee from justice; (d) The possibility of the accused's likelihood to repeat similar or other offences; (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her; (f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people; (g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal

Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern; (h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused; (i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant; (j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused is entitled to an order of bail.

DISCUSSION:

7. From the perusal of the entire record, it transpires that the allegations are regarding the purchase of material worth ₹4,95,60,000/-. It had been contented by Jalaram Transport that the delivery of goods had been made to the accused/applicant's premises, which the accused/applicant has been vehemently denied in his bail application. However, since the said fact can only be determined after the perusal and investigation of the GST bills, e-way bills and interrogation of the accused/applicant, hence the Court is of the opinion that considering the nature of the offence alleged to have been committed by the accused/applicant, he is not entitled to the benefit of pre-arrest bail at this stage. The custodial interrogation of the accused/applicant is required in order to effect the recovery of the

material and to further investigate the present case. Thus, finding no merits in the present bail application, the same stands dismissed.

8. It is made clear that none of the observation made by this court would ever influence the decision of the court on merits of the case. Papers be attached with the remand papers/challan pending if any or be consigned to the record room. Police record/judicial record be returned forthwith.

Pronounced in Open Court.
Dated: 15.04.2026

(Neetika Verma),
Additional Sessions Judge
SAS Nagar/UID-PB0209

Tajiinder Singh

Mohammad Talib Mahboob Ghonia Vs. State of Punjab BA-1009-2026

Present : Sh. Karan Kumar, Advocate for the applicant/accused.
Sh. A.P.S. Virk, Additional Public Prosecutor for the State.
SI Harjinder Singh, No.459/Sangrur, P.S. Dhakoli, Mohali
alongwith police record.

Police record has been perused. Arguments heard. Vide my separate detailed order of even date, the present bail application is dismissed. Papers be attached with the remand papers/challan, pending if any, or be consigned to the record room. Police record and judicial record be returned forthwith.

Pronounced in Open Court.
Dated: 15.04.2026

(Neetika Verma),
Additional Sessions Judge
SAS Nagar/UID-PB0209

Tajiinder Singh