



CRM-M-71504-2025

1

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

144

CRM-M-71504-2025
Decided on: 25.03.2026

Sarthak Jain

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Kanishk Swaroop, Advocate
None for the petitioner.

Mr. Manjinder Singh Bhullar, DAG Punjab

SANJAY VASHISTH, J. (ORAL)

1. Prayer in this petition, filed under Section 483(3) of the BNSS, 2023), is for cancellation of anticipatory bail granted to respondent No. 2 under Section 482 of the BNSS vide order dated 03.12.2025 passed by learned Additional Sessions Judge, Ludhiana (Annexure P-5) in relation to FIR No.152 dated 30.10.2025, under Sections 316(2) and 318(4) of BNS, 2023 at Police Station Jodhewal, District Police Commissionerate, Ludhiana.

2. At the first instance, the bail petition filed by respondent No. 2 was disposed of vide order dated 15.10.2025 by observing that in case any cognizable offence is registered against respondent No. 2 (applicant therein) in connection with the complaint or information, in that eventuality before taking any step to arrest, proceeding for investigation of the case, 03 days prior notice would be



CRM-M-71504-2025

2

given to the applicant by the police of Police Station Jamalpur, Ludhiana. In the said order, it was further observed that if the offence is found to be punishable for imprisonment for 7 years or less, compliance under Section 41 and 41-A Cr.P.C. alongwith guidelines of Hon'ble Apex Court laid down in judgment of ***Arnesh Kumar vs. State of Bihar*** passed in ***Criminal appeal No. 1277 of 2014*** be followed meticulously by the investigating officer.

3. Subsequent thereto impugned FIR was registered on 30.10.2025 and while apprehending arrest on filing of application under Section 482 of BNSS before the Court of Sessions, prayer for granting of anticipatory bail was accepted by passing a detailed order and observing as under :

"In that regard, this court has found that considering the facts and circumstances of the case in hand, it primarily revolves around the dispute of settlement of accounts of the business transaction having taken place in between the parties and there is no occasion and reason that the police requires the custodial investigation of the applicant/accused. Whatever documents which are available with the applicant/accused those have already been handed over to the investigating agency by him. Liberty of an individual and his dignity is the paramount consideration while dealing with the anticipatory bail application. Liberty of the individual is a fundamental right as recognized by the Constitution of India which the courts are bound to protect unless exceptional circumstances arise or that the alleged offence is of such a nature that it will be not in the interest of society to keep applicant/accused as a part of the society. But this court has found no such element in this case. Bail is the rule of the law and jail is an exception to the same. There is no reason in the instant bail application that the investigation of the instant case cannot proceed further in the absence of the physical arrest or custodial investigation of the applicant/accused. Moreover, the recovery of money from the applicant/accused, if any is not the function of the investigating agency which has otherwise been stated by the investigating officer. The complainant has already filed a complaint under Section 138 of NI Act and

**CRM-M-71504-2025****3**

the same is pending before the learned trial court. Moreover, the remedy by way of civil suit either for rendition of accounts or for recovery is also available to the complainant. Therefore, this court has found that it is a fit case where the applicant/accused has been found entitled to the extraordinary concession of anticipatory bail.

10. Without further commenting on the merits of the case, the instant bail application is allowed and the order of interim bail passed by this court dated 7.11.2025 is hereby made absolute. However, the applicant/accused shall attend the investigation of the case as and when called by the investigating officer and shall also comply with the all other conditions which are envisaged under Section 482 of BNSS.”

4. Once it has been categorically observed that recovery of money from the petitioner, if any, is not the function of investigating agency and for bouncing of cheque, complaint under Section 138 of NI Act has already been instituted by the complainant, before the concerned Court, there is no point in subjecting the petitioner for custodial interrogation.

5. While challenging the order before this Court, petitioner's counsel could not point out any infirmity or illegality in the impugned order granting bail, however, points out that vide order dated 13.11.2025 passed in CRM-M-63890-2025(Annexure P-6), when petitioner had approached to this Court for seeking fair investigation, State had ensured that investigation in the matter is still going on and same shall be supervised by respondent No. 3 – Senior Superintendent of Police, Ludhiana Rural, in accordance with law. Thus, submits that despite giving assurance by learned State counsel on 13.11.2025, petitioner has been granted bail vide order dated 03.12.2025, without subjecting him to custodial interrogation.

6. Learned senior counsel for the petitioner suspects that the investigation has not been conducted properly and impartially and on that account,

**CRM-M-71504-2025****4**

respondent No. 2 succeeded in getting the concession of anticipatory bail, thus, submits that investigation being not fair and there being serious allegations, the petitioner was not entitled for concession of bail.

7. I have gone through the submissions addressed by learned senior counsel for the petitioner also the impugned order.

8. This Court does not find any infirmity or illegality in the order dated 03.12.2025, therefore, the instant petition stands dismissed.

25.03.2026

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned:
Whether Reportable:

YES/NO
YES/NO