



2026:PHHC:045414



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CRM-M-59214-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-59214-2025
Decided on: 23.03.2026

Sanjay Gambhir

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. ADS Sukhija, Sr. Advocate with
Mr. Karanveer Singh Lall, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG Punjab

SANJAY VASHISTH, J. (ORAL)

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 FIR No.332, dated 05.09.2025, under Sections 318(4), 61(2) of BNS, 2023, registered at Police Station City Kharar, District SAS Nagar.

2. On 17.10.2025, following order was passed:

“(i) *** ***)

(ii) *On oral request made by counsel for the petitioner, complainant namely Puneet Rampall through GPA holder of Deepti Rampall, resident of House No.3365, Sector 27-D, Chandigarh, is ordered to be impleaded as respondent No.2 in the present petition.*

Let amended memo of parties be filed by counsel for the petitioner, within a period of two days from today, in the Registry, without moving any separate application.

(iii) *Learned counsel for the petitioner submits that, at the first instance,*



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respondent No.2 filed an application under Section 156(3) of the Code of Criminal Procedure (Cr.P.C.) before the Court of the Area Magistrate at Chandigarh. However, learned Magistrate, upon consideration, held that no direction for registration of an FIR was warranted and, accordingly, treated the said application as a complaint case. Subsequently, the complaint was dismissed in default due to the non-appearance of respondent No.2.

Thereafter, respondent No.2 approached the police at Mohali by submitting another complaint. Upon conducting a preliminary inquiry, police concluded that the matter was of a civil nature and no element of criminality was involved. Thereafter, respondent No.2 made a third attempt by filing an application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) [corresponding to Section 156(3) of the Cr.P.C.], seeking direction for registration of an FIR. Pursuant to that application, and without a thorough examination of the

factual circumstances or prior proceedings, directions were issued leading to the registration of FIR No.332 dated 05.09.2025 under Sections 318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), at Police Station City Kharar, District SAS Nagar (Mohali), which is impugned in the present petition.

(iv) Learned counsel for the petitioner argues that once the order passed on the initial application under Section 156(3) Cr.P.C. attained finality and respondent No.2 failed to challenge or seek appropriate remedy against the said order, registration of a subsequent FIR on the same set of facts is impermissible, unless a fresh cause of action had arisen, which is not the case herein.

Furthermore, it is submitted that since the investigating agency at SAS Nagar (Mohali) had already concluded that dispute is purely civil in nature and no criminality is involved, custodial interrogation of the petitioner would serve no meaningful purpose. Moreover, petitioner is ready to join the investigation and fully

cooperate, if protected from arrest by this Court. Thus, counsel prays for grant of concession of anticipatory bail to the petitioner in the present case.

(v) Notice of motion.

(vi) On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and Mr. Aditya Partap, Advocate (for Mr. Manoj Pundir, Advocate), puts in appearance on behalf of the complainant/respondent No.2, and files his vakalatnama in Court today, which is taken on record.

(vii) Adjourned to 15.01.2026.

(viii) Meanwhile, the petitioner is directed to join the investigation as and

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when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim 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.).

(ix) 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. ”

3. Learned counsel for the petitioner submits that in pursuance to the directions issued by this Court vide order dated 17.10.2025, the petitioner has joined investigation.

4. Learned State counsel on instructions, confirms the said averment made by counsel for the petitioner of joining the investigation by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Heard learned counsel for the parties.

6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 17.10.2025 passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

7. The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

8. However, present order would be subject to the submission of his passport to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.



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9. It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

23.03.2026

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned:
Whether Reportable:

**YES/~~NO~~
~~YES~~/NO**