



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208 CRM-M-44802-2024 (O&M)
Date of Decision: 25.11.2024

SANDEEP SINGH AND ANR.Petitioners
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Malkiat S. Hundal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Mr. Ramandeep, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
104	06.08.2024	P.S. Kotwali, Nabha	406, 420, 511, 120-B of IPC

2. Vide order dated 10.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 10.09.2024 is reproduced as under:-

“The instant petition has been filed by the petitioners seeking anticipatory bail in case arising out of FIR No. 104 dated 06.08.2024 registered under Sections 406, 420, 511 and 120-B of IPC, 1860 at Police Station Kotwali, Nabha on the basis of a written complaint moved by the complainant Gurvinder Singh to SSP, Patiala on 12.04.2024 alleging therein that he along with Budh Singh had entered into an agreement to purchase

agricultural land measuring 12 bighas, 9 biswas and 12 biswas situated in village Rohti Basta with petitioner and co-accused. An amount of Rs.5,00,000/- was given as an earnest money. The sale deed was to be executed on 30.11.2023. However, the above named accused Sukhdev Singh by hatching a conspiracy with the petitioner and the co-accused, tried to transfer the above said land in the name of the petitioner-Shamsher Singh and Gurjant Singh his brothers and petitioner Sandeep Singh who is his nephew on 20.09.2023. The complainant however came to know about this fact and the execution of sale deed in favour of the petitioners was got stopped by them by securing stay order from the civil court. They prayed for taking action against the culprits. On lodging of the complaint, initially, inquiry was conducted and on receipt of the inquiry report FIR was registered. The investigation is underway.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute between the parties is civil in nature and the complainants have already availed the remedy by filing a civil suit for execution of agreement to sell which is pending before Civil Court, Nabha. In fact, the members of complainant party prepared a false agreement to sell by committing fraud with the accused Sukhdev Singh who is a simpleton and an FIR bearing No. 70 has already been registered at Police Station Kotwali, Nabha on 14.05.2024. It is argued that the FIR of this case is just a counter blast to the FIR lodged by accused Sukhdev Singh. The custodial interrogation of the petitioners is not required. The ingredients for commission of offences for making attempt to cheat the complainant party or misappropriate any amount of money have not been made out against the petitioners. They are ready to join the investigation. The dispute is even otherwise of civil nature. Therefore, it is urged that the petition deserves to be allowed.

Notice of motion for 05.11.2024.

Ms. Ruchika Sabherwal, Sr. DAG who has advance notice of the petition, accepts the same and seeks time to file reply.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Learned State counsel on instructions submits that the petitioner has joined the investigation on 19.09.2024 and his further custodial interrogation is not required.

5. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 10.09.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

25.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |