

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46281-2024
Date of Decision:18.09.2024

Puran Singh ...Petitioner
vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Lajwant Singh Virk, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.04, dated 04.01.2024 under Sections 5 (1) and 36 of Punjab Apartment and Property Regulation Act 1995, registered at Police Station Tanda, District Hoshiarpur (Annexure P-1).
2. Learned counsel for the petitioner contends that the primary allegations against the present petitioner is that he had developed a colony illegally, without following the due process of law. Learned counsel for the petitioner next contends that the petitioner is neither a developer, nor a promoter, nor a contractor for developing any kind of colony. Even in the FIR, it has been alleged that the petitioner had sold 13 Marlas of land in Khasra No. 32//12 and 19/1, which is factually incorrect. In reality, the petitioner and his brother had sold only 13 Marlas of land, which is comprised in Khasra No.

33//18/2, 33//16/1, 18/1, 23/1 vide registered sale deed dated 16.08.2021. He further contends that the petitioner and his brother had only sold 13 Marlas of land, which is less than 1000 square meters and the said sale does not fall within the ambit of the definition of “Colony”, as defined in Section 2 (1) of the Punjab Apartment and Property Regulations Act, 1995 . Thus, no offence, as alleged is made out against the present petitioner. Learned counsel further contends that even otherwise, the petitioner is a senior citizen and is a retired professor and former Head of the Department of Economics and had distinguished academic career. Even he was never involved in any other criminal activity and at present, he is working as Honorary Professor of Economics in Guru Granth Sahib University, Fatehgarh Sahib, whereas, he is providing his services without any honorarium and is also guiding the PHD students in the said university. He further contends that the entire case is based on documentary evidence and the custodial interrogation of the petitioner may not be required in the peculiar facts and circumstances of the present case.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has been specifically named in the FIR and is involved in a serious crime. However, he could not dispute the fact that the case is based on documentary evidence, which may be available with the authorities.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. At this stage, keeping in view the submissions made by learned counsel for the petitioner, it would be debatable as to whether the offence under the provisions of Punjab Apartment and Property Regulation Act, 1995 is made

out against the petitioner or not and the prosecution is yet to lead evidence before the Trial Court in this regard. Apart from that, apparently, the case is based on documentary evidence and the in the considered opinion of the Court, the custodial interrogation of the petitioner is not required, at this stage.

6. Consequently, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of the B.N.S.S.

18.09.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No