

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M No.47923 of 2024
Date of decision: 21.11.2024

SUKHDEV SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Gurmanpreet Singh, Advocate for the petitioner.

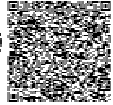
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.104 dated 06.08.2024 registered under Sections 406, 420, 511 and 120-B of IPC at Police Station Kotwali, District Nabha.

2. Vide order dated 25.09.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 25.09.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner for grant of pre arrest bail in case arising out of FIR No.104 dated 06.08.2024 registered under Sections 406, 420, 511 and 120-B of IPC at Police Station Kotwali, District Nabha on the basis of joint complaint filed by the complainants-Gurvinder Singh and Budh Singh alleging therein that they have entered into an agreement to sell the agricultural land measuring 12 bigha 9 biswa and 12 biswasi situated in village Rohti Basta on 14.07.2023. An amount of ₹5 lacs was given by them to the



present petitioner as earnest money in the form of two cheques. As per the terms of the agreement, the sale deed was to be executed in their favour on 30.11.2023. It was alleged that by hatching a conspiracy with each other and with an intention to cheat the complainants, the petitioner and the co-accused tried to sell the land in question to the other co-accused namely, Sandeep and Shamsheer Singh. It was also alleged that ₹ 5 lacs given through the cheques were utilized by the petitioner and the co-accused. As such prayer was made for taking action against the petitioner and co-accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by learned Additional Sessions Judge, Patiala vide order dated 17.09.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He is a simpleton and he has never executed any agreement to sell his land in favour of the complainants and a fraud has in fact been committed with him by the complainants by preparing false agreement to sell by taking advantage of his simplicity. He already lodged an FIR No.70 dated 14.05.2024 at Police Station Kotwali Nabha, under Section 420 of IPC, however, no action has been taken by the Police against the complainants and other persons who were involved in the same. The present FIR is a counter blast to the FIR which was registered by him. He is ready to join the investigation. No purpose would be served by detaining him in custody His custodial interrogation is not required. The dispute is of civil nature and is given the colour of criminal case. Co-accused Sandeep and



*Shamsher Singh have since been extended benefit of pre arrest bail.
Hence, it is urged that the petitioner deserves to be extended benefit of pre arrest bail.*

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 21.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 25.09.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

21.11.2024
Jyoti-IV

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