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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M- 54298-2024

Date of Decision: 29.11.2024

MANPREET SINGH SEKHON

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vinod Ghai, Sr. Advocate with
Mr. Manish Verma, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Sant Pal Singh Sidhu, Advocate for the complainant.

SANJIV BERRY, J. (Oral)

By way of the present petitions filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 the petitioner seeks anticipatory bail in case FIR as under:-

FIR No.	Dated	Sections	Police Station
127	18.09.2024	318(4), 329 (3), 62 and 351(2) of BNS	Dakha, District Ludhiana

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that instant FIR arising out of agreement to sell dated 09.08.2022 (Annexure P-8) got registered by the complainant on flimsy ground in a bid to transform a civil dispute into a criminal one. He contends that the petitioner is neither the signatory nor beneficiary of the alleged agreement



and have no concern whatsoever in the allegations leveled in the FIR. In fact the wife of the petitioner had already executed a General Power of Attorney in favour of seller party dated 06.05.2022 (Annexure P-7) much before the aforesaid agreement dated 09.08.2022. He contends that the allegations levelled in the FIR qua the petitioner trying to plough the land with is tractor are wrong and incorrect. He further points out that after registration of the FIR, the complainant got registered one General Diary No. 36 dated 30.09.2024 alleging that the petitioner had handed over fabricated copies of hand written jamabandis for the year 2015-2016 which is manifestly wrong. He contends that the petitioner being not the signatory or party to the agreement was not required to supply any document to him and even otherwise the alleged photo copies of jamabandis shown by the police in Court does not bear any signature of the petitioner. He contends that the version so put forth by the complainant is doubtful and without any basis. He submits that the petitioner has already joined investigation and as such prays for grant of bail.

3. Per contra, learned State counsel assisted by learned counsel for the complainant on instructions from Investigating Officer Inspector Amritpal Singh, PS Dakha and DSP Dakha present in Court have assailed these arguments by submitting that the petitioner had tried to trespass the land with his tractor and consequent upon his joining the investigation, the tractor has already been recovered, however his custodial interrogation is required to inquire about the fabricated hand written jamabandis as he had not supplied original jamabandis to the investigating officer at the time of joining investigation, hence they have prayed for dismissal of the bail petition.



4. The learned counsel for the parties have been heard and record perused.

5. During the course of hearing on 29.10.2024, the following order was passed, relevant portion is reproduced here as under:-

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case by converting a civil dispute into a criminal one. He contends that the dispute as per the FIR in question pertains to the agreement to sell dated 09.08.2022 (Annexure P-8) wherein the petitioner is neither the signatory nor the beneficiary thereof and has no concern with the allegations levelled in the FIR. He contends that wife of the petitioner had executed a General Power of Attorney dated 06.05.2022 (Annexure P-7) in favour of the seller party of the agreement to sell dated 09.08.2022 (supra). The alleged Khasra number 5//25 was not mentioned in Annexure P-7 so there was no occasion for the petitioner to have given any copy of the revenue record showing this number to be his ownership.

3. Learned counsel for the petitioner further contends that the petitioner had moved the application for grant of anticipatory bail before the learned Additional Sessions Judge, wherein, vide order dated 26.09.2024 (Annexure P-4), the petitioner was granted interim bail and directed to join the investigation. However, on account of the addition of offences under Section 336(2), 338, 336(3), 340(2) and 61(2) of the BNS by the police, the petitioner could not join the investigation and the bail application was later dismissed vide order dated 22.10.2024, (Annexure P-6). He contends that the police has added these offences on fictitious grounds just to avoid the petitioner to join the investigation in compliance to the order passed by learned Additional Sessions Judge (supra). Hence, the instant petition seeking concession of anticipatory bail to the petitioner.

4. Notice of motion.

5. On the asking of the Court, Mr. Adesh Pal Singh, AAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.

6. Mr. Sant Pal Singh Sidhu, Advocate, has entered appearance on behalf of the complainant to assist learned State counsel in the matter and filed his power of attorney. The same is taken on record. He has submitted that the petitioner has supplied the copy of Jamabandi showing him to be the owner of Khasra No. 5//25 which



was not owned by him and these documents being fabricated, the petitioner does not deserve the concession of bail.

7. Adjourned to 06.11.2024.

8. Reply/status report be filed well before the date fixed with an advance copy to the counsel opposite.

9. In the meanwhile without commenting on the merits of the case, the petitioner is hereby directed to join investigation well before the next date of hearing and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS).

10. Investigating Officer (concerned) to remain present in Court along with relevant records on the date fixed.”

6. Admittedly, in compliance of the orders dated 29.10.2024 passed by this Court, the petitioner has joined the investigation and recovery of tractor has already been effected from him.

7. The main contention for which the petitioner is allegedly required for custodial interrogation is that he has not handed over the original jamabandis to the police and that inquiry into the fabricated copy of jamanabdi is to be made from the petitioner.

8. On a query, DSP, Dakha alongwith Investigating Officer of the case present in Court have categorically stated that the alleged photocopy of jamabandi is hand written given to the police by the complainant which has been found to be fabricated. They admitted that the same does not bear any signature on the part of the present petitioner. Admittedly, petitioner is neither signatory nor beneficiary of the agreement to sell in question dated 09.08.2022. It is worth mentioning that the complaint in this case had filed the complainant originally with the DSP, Dakha which however was filed, on enquiry, finding the matter to be civil in nature. Later, on the similar



allegations complaint moved to the SHO, Dakha at 09:00 pm on 18.09.2024, the instant FIR was promptly registered by 09:05 PM by the then SHO without caring that his supervisor officer had already conducted the inquiry in the matter, and found it to be civil in nature. The perusal of FIR would reveal that there is no mention of the photo copy of allegedly fabricated jamabandi for the year 2015-2016 ever been given by the petitioner to the complainant. Moreover, petitioner is not the signatory to the alleged photo-copy of document and in these circumstances the police officers present in Court could not justify as to why his custodial interrogation is required, once the authenticity of the photo copy itself is debatable.

9. The petitioner having already joined the investigation in compliance of the order dated 29.10.2024 passed by this Court and no case is made out for custodial interrogation, therefore, considering all the above facts and circumstances, without commenting on the merits of the case, interim bail granted to petitioner is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required; not to leave the country without prior permission of the Court.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending CM applications, if any shall also disposed of.

(SANJIV BERRY)
JUDGE

29.11.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No