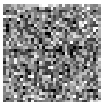


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2024:PHHC:157641



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59414-2024
DECIDED ON: 28.11.2024

GURPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Zorawar S. Chauhan, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.09, dated 13.04.2024, under Sections 420, 448, 120-B IPC, registered at Police Station NRI District Jalandhar Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Complaint UID No. 2398511 Dated 11.01.2023 from Rajan son of Satpal Singh resident of Village Hiala District Shaheed Bhagat Singh Nagar at present resident of Dubai to the office of Additional Director General of Police, NRI Wing, Punjab, Phase 7, SAS Nagar, the content of which is as follows:- To, A.D.G.P.NRI, Punjab Chandigarh. Subject: Complaint against Jasvir Singh son

of Sohan Singh (2) Gurpreet Singh son of Gurdev Singh (3) Muhamad Sharif @ Shafi (4) Amna son of Jasveer Singh and other unknown persons, for taking the illegal possession of plot owned by us, by the above mentioned accused persons. Sir, it is humbly submitted that I Rajan son of Shri Satpal resident of Village Hiala District Shaheed Bhagat Singh Nagar at present resident of Dubai. One plot registered in the name of my mother Saroj Bala is situated in village bachowal Hadbast No.137 Khewat No.35/31, Khatauni No.37, Khasra No.20//7 Tehsil Phillaur District Jalandhar Punjab. I live in dubai with my whole family. When I went to see my plot at Village Bachowal Tehsil Phillaur then the lock of our plot was broken and possession of the plot was taken by some persons and the electricity connection was also operative, then I asked them that How have you got the electricity meter installed on this plot, then the accused persons used abusive language and said that "Who are you to stop us", when I told them that we own the above mentioned plot and it is in the name of my mother. Upon hearing this from me, accused and other person used filthy abusive language for me and they also used filthy language against my reputation. Therefore, I request before you that appropriate legal action be taken against the above mentioned accused persons and case for fraud be registered. The possession of the my plot from the above mentioned accused be restored. Because the sale deed of the above plot is with me. Which I can present on the spot. As evidence the copy of fard is attached with the complaint. sd/- Rajan son of Shri Satpal Singh resident of Village Hiala District Shaheed Bhagat Singh Nagar at present resident of Dubai Mobile No.82840-90127 dated 05.01.2023."

3. Contention**On behalf of the petitioner**

Learned counsel for the petitioner contends that as per the prosecution story, one Mohd. Sadiq allegedly entered into an agreement to sell a plot situated inside the Abadi of the village Bachowal, Teshil Phillaur, District Jalandhar with Jasvir Singh and Gurpreet Singh, the present petitioner and as per the agreement, Mohd. Sadiq paid Rs.3 lacs and took the possession of the plot and when the complainant disputed Mohd. Sadiq's possession, Jasvir Singh filed a suit for permanent injunction against the complainant and his companions, which was ultimately dismissed in default on 15.11.2023 (Annexure P-3) and thereafter on 31.07.2023, the mother of the complainant filed suit for possession against the petitioner and others, whereby she was granted ad-interim stay over the property, which is pending as of now. He further contends that it is a case of civil nature but has given the colour of criminal liability and co-accused namely Mohd. Sadiq has been granted the concession of interim bail vide order dated 16.05.2024 (Annexure P-6) passed in CRM-M-24762-2024, which was made absolute on 29.05.2024 (Annexure P-7). It has been contended on behalf of the petitioner that the petitioner is not involved in any other case.

On behalf of the State

Learned State Counsel appearing on advance notice, submits that the present petitioner along with along with other co-accused forged and fabricated one agreement to sell qua the plot in question and forcibly occupied the same.

4. **Analysis**

Be that as it may, considering the fact that the present case is of civil nature but has given the colour of criminal liability; the petitioner is a man of clean antecedents as he is not involved in any other case, as has been averred by learned counsel for the petitioner; co-accused namely Mohd. Sadiq has been granted the concession of interim bail vide order dated 16.05.2024 (Annexure P-6) passed in CRM-M-24762-2024, which was made absolute on 29.05.2024 (Annexure P-7) in addition to the fact nothing is to be recovered from the present petitioner wherein the investigation can very well be conducted once the petitioner joins the investigation as the material evidence would be in all probability in the form of documentary in nature, meaning thereby, custodial interrogation of the petitioner at this stage is not required.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

28.11.2024
Poonam Negi

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