



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60523-2024
Date of Decision:03.12.2024

Nishan Singh ...Petitioner
vs.
State of Punjab ...Respondent

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

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

Mr. I.P.S Sabharwal, 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 only 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. Learned counsel for the petitioner next contends that the petitioner is a Professor in the Department of Economics, in Khalsa College, Patiala. He further contends that the petitioner had sold about 15 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, it would be debatable as to whether any offence is made out against the petitioner or not. Moreover, the petitioner was never involved in any other criminal activity and the similarly placed co-accused Puran Singh has already been granted the concession of bail by this Court in CRM-M-46281-2024.

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 named in the FIR and is involved in a serious crime. However, he could not dispute the fact that in the present case, 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, in the present case, 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 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.

03.12.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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