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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4010-2025 (O&M)
Date of Decision : 05-05-2025

Jaskaranjit Singh Gill

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Sidhu, Sr. Advocate with
Mr. P.S. Dhindsa and Mr. Kartik Bansal, Advocates
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. R.S. Bains, Sr. Advocate with
Ms. Loveneet Thakur and Mr. Sanjamdeep Singh, Advocates
for the complainant.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
5	7.1.2025	Division no.7, Ludhiana	406/420/120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. As per the present FIR, which was registered on the basis of the complaint made by complainant Mohd. Nasar, the complainant had inherited land measure 161K-18 M at Vill. Kuliewal and land measuring 61K-1 M at Vill. Jamalpur Awana. His uncle Ali Mohd. expired on 19.9.1985 and his father expired on 22.6.2016. Out of the abovesaid land, some part of the land was leased out to one Raju for a period of five years. Eucalyptus trees were sown in some part of the land. On 19.9.2024, said Raju intimated the complainant that Sukhwinder Singh and Jaspreet Singh were cutting the eucalyptus trees with JCB and loading in their tractor-trolleys. When said Raju tried to stop them, they hurled abuses and threatened to kill him. When complainant reached the spot, he found that10/15 eucalyptus trees were extracted by Sukhwinder Singh and Jaspreet Singh

and they tried to take forcible possession of his land, at the instance of Jaskiranjit Singh Gill (Petitioner).

4. The arguments raised on behalf of the petitioner are that the petitioner is a practicing advocate and he can demonstrate his seriousness about practice through his case diary etc; his father was also a practicing lawyer; no FIR is pending against him except the one which was also registered by the present complainant and which was in effect registered against his father, who has expired in 2018; the petitioner has already disclosed all his assets which would absolved him of any such illegal transactions. Petitioner's counsel has further argued that the complainant had sold the land in question in 1971, on which an illegal colony has come up and the petitioner has no role.

5. On the other hand, counsel for the complainant submits that the petitioner is illegally and illicitly selling the land owned by the complainant to innocent people on slips by assuring them that they can raise construction thereon and nothing will happen and eventually, sale deed will be registered. It is for this reason, Sections 467 and 468 IPC have been added. Complainant's counsel strongly opposes the bail and submits that the petitioner is not entitled to bail because he has cheated hundred of people. He further submits that since the complainant normally resides at Malerkotla and the land is situated at Ludhiana, as such the petitioner took advantage of his absence and illegally sold the land to poor people and eventually, cheated them also.

6. The State's counsel opposes bail and refers to the reply.

7. Petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits, on instructions, that in case this Court grants bail to the petitioner, he shall not even enter the disputed property and in case he does so, the State shall be at liberty file an application for cancellation of bail, to which they will not raise any objection.

8. It would be appropriate to refer to the following portions of the reply dated 1.2.2025, which read as follows:

“(A) Role petitioner:

- i) Petitioner had sold the property of complainant as well as various other persons by claiming himself to be owner of said property whereas in the revenue record, the said property is recorded as ownership of the complainant.
- ii) Petitioner with an intention to gain undue benefit and to cause undue loss to the complainant and various other persons, had sold the plots in the land by claiming the land to be his ancestral property.
- iii) Petitioner had threatened to kill the complainant.
- iv) Petitioner had cheated and defrauded the complainant.
- v) Petitioner is the kingpin of crime.

REASONING:

9. There was no occupant before the investigator who said that the petitioner had cheated them and as of now, no sale deed is there. Prosecution’s case is that the petitioner issued slips to occupants and as such, no ground is made out to deny him bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be *prima facie* sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration. A cumulative effect of the arguments and counter-arguments raised on behalf of the parties as well as the statement made on behalf of the petitioner that he shall not enter the property of the complainant, which being the foundational statement, this Court feels that the petitioner makes a case for bail.

10. The penal provisions invoked coupled with the *prima facie* analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, he shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During

the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense or violates his undertaking given before this Court, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail. This Court authorizes and empowers the Sessions Court, Ludhiana to cancel the bail in case the petitioner violates any of the undertaking/conditions stated above and the Sessions Court shall not raise any objection regarding jurisdiction.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

05-05-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO