

2025:PHHC:033127



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

102+205

CRM-M-5278-2025 (O&M)
Date of decision: 07.03.2025

Ashok Kumar**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. S. K. Aneja, Advocate and
Mr. Yogesh Aneja, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)**1. CRM-9694-2025**

Allowed as prayed for.

Documents are taken on record.

2. CRM-M-5278-2025 (O&M)

Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), the petitioner seeks anticipatory bail in case arising out of FIR No. 19 dated 31.01.2023, registered under Sections 420, 465, 467, 468, 471, 166 and 120- B of IPC at Police Station City Fazilka, District Fazilka.

3. Vide order dated 30.01.2025, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 30.01.2025, passed by this Court, reads as under:

2025:PHHC:033127



“...The aforementioned FIR had been registered on the basis of a complaint lodged by the complainant-Ranvir Singh alleging therein that Balram, who was Predecessor in interest of the present petitioner was allotted some surplus land at village Khanwala in pursuance of an order dated 14.11.1985 passed by the Collector, Agrarian, Fazilka. Out of the said surplus land, Balram sold 24 kanals of land to the complainant vide a registered sale deed dated 15.05.2007. Mutation thereof was also sanctioned in the name of the complainant and he had been cultivating the same. The other share of that land which was owned by Balram, had been sold by his legal heirs to some other vendees. However, in connivance with the Revenue Officials/Officers, the petitioner and other legal heirs got incorporated their names in the revenue record as co-sharers of the land, sold to the complainant as well. The complainant transferred the land purchased by him to his son by a transfer deed dated 12.09.2016. It was alleged that despite knowing that the petitioner and other accused namely Savitri Devi, Varinder and Suresh Kumar had no concern with the land sold to the petitioner, moved an application for partition of the same before the Revenue Officer with an intention to grab the same. While alleging that the petitioner and the co-accused had committed offences of cheating and forgery, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Sessions Judge, Fazilka which was dismissed vide order dated 15.01.2025.

The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has

2025:PHHC:033127



been falsely implicated in this case. The dispute between the parties is purely of civil nature which has been given a color of criminal case. On the same allegations, the complainant moved complaints against the petitioner and co-accused. The same have been inquired into and found to be false. Even cancellation report had also been prepared in the matter but it was only on the direction given by the trial Magistrate to conduct further investigation, that the same has not been accepted. The case is based on documentary evidence. Custodial interrogation of the petitioner is not at all required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

Notice of motion.

Learned Senior Deputy Advocate General, Punjab who has advance notice of the petition, accepts the same.

At this stage, Mr. S.K. Aneja, Advocate and Mr. Gaurav Mohunta, Advocate have put in their appearance on behalf of the complainant and filed their vakalatnama.

Adjourned to 07.03.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds 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.

It would, however, be opened to the learned Assistant Advocate General, Punjab to file a reply indicating the involvement of the petitioner and all aspects

2025:PHHC:033127



would be considered at the time of final adjudication of the matter.”

4. Learned State counsel, on instructions from HC Ranjeet Singh, has submitted that the petitioner has joined investigation on 03.02.2025 and he is not required for custodial interrogation. However, learned counsel for the complainant has resisted the prayer of the petitioner by submitting that the allegations are serious in nature.

5. Keeping in view the above mentioned facts and circumstances, this Court is of the considered opinion that the pre-trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 30.01.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of BNSS, 2023.

6. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No