



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-8350-2025 (O&M)
Date of decision: 17.03.2025

Balkar Singh
State of Punjab
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sparsh Chhibber, Advocate
for the petitioner (Through V.C.)
Mr. Sandeep Kumar, DAG, Punjab.
Mr. N.S. Mahal, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.003 dated 10.01.2025 under Sections 406 & 420 of the Indian Penal Code, 1860 (*now Section 316(2) & 318(4) of the Bharatiya Nyaya Sanhita, 2023*), registered at Police Station Moonak, District Sangrur.
2. On 14.02.2025, the following order was passed:-
- “XX XX XX XX
Learned counsel for the petitioner, inter alia, contends that the dispute between the parties is purely civil in nature, arising out of an agreement to sell and the complainant, instead of filing a civil suit for specific performance, got registered the FIR (supra). Further, there is delay of more than 02 years in registration of present FIR. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years and no notice under Section



35(3) of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Navraj Singh Mahal, Advocate accepts notice on behalf of the complainant and files Memorandum of Appearance in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that Rs.20.00 lakhs were received by the petitioner and till date, neither the sale deed was executed nor the possession has been handed over to the complainant.

Adjourned to 17.03.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial



Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel assisted by learned counsel for the complainant and on instructions from SI Harminder Singh, at the very outset, informs the Court that although the petitioner has joined the investigation, however, he is not cooperating in the investigation and the petitioner is not responding to the questionnaire.

4. Keeping in view the fact that the present case stems out of a civil dispute with regard to an oral agreement to sell and till date, a civil suit for specific performance has not been filed and the maximum sentenced provided for offence in which FIR (supra) is registered, is punishable upto 07 years. Further, the petitioner has joined the investigation. Accordingly, the order dated 14.02.2025 is made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.03.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No