

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10110-2025
Reserved on: 03.07.2025
Pronounced on: 24.07.2025

Nishan Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-9672-2025

Jaswant Singh Bedi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S.Dhaliwal, Advocate
for the petitioner in CRM-M-10110-2025.

Mr. Vivek Sheoran, Legal Aid Counsel
for the petitioner in CRM-M-9672-2025.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
24	29.06.2024	Punjab State Crime Police Station SAS Nagar, District Crime Wing	420 and 120-B of IPC

1. Vide this common order, CRM-M No.10110 of 2025 and CRM-M No.9672 of 2025 are being disposed of. For brevity, the facts are being taken from CRM-M No.10110 of 2025.
2. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
3. Per paragraph 16 of the bail application (CRM-M-10110-2025) and 10 of the reply filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	239/2003	-	419/420/467/471/120-B IPC	Sadar

				Ferozepur
2	96	1997	61/1/14 of Excise Act	Cantt. Ferozepur

4. Per paragraph 13 of the bail application (CRM-M-9672-2025) and 08 of the reply filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	128/2021	-	420/468/120-B IPC	Sadar Ferozepur
2	28/2021	-	420/465/471/120-B IPC	Jalalabad

5. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That the brief facts of the present case are that complainant Rajinder Singh came in contact with the main accused Saraj Singh and other witnesses of Agreement to Sell through the present petitioner Nishan Singh, which was executed for total land measuring 47 Kanals 13 Marlas situated in the Village Chanian, Tehsil and District Faridkot. It is further relevant to mention here that out of the said land, a total 16 Kanal 4 Marlas of land was already auctioned by Co-operative House Building Society Limited. A revenue entry regarding the same is available in the Fard Jamabandi of the land in question, however, the said fact was concealed by the accused persons from the complainant.”

6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

7. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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

9. It would be appropriate to refer to the following portions of the reply filed in (CRM-M-10110-2025), which read as follows:

“8. The role of the petitioner

That in the present case, the petitioner is one of the witness in above said agreement to sell. He was asked to join investigation by serving him notice dated 20.12.2024 and 24.12.2024 under Section 160 Cr.P.C. but he never joined. Other than this, there are several audio recordings presented by the complainant, according to which it is proved that Jaswant Singh

Bedi, present petitioner/accused Nishan Singh and accused Lachman @ Samuel are closely related and are asking for more time from complainant Rajinder Singh. During investigation, on examination of one of the audio clips, it can be heard that the abovesaid accused persons are taking full guarantee that the land is free from any encumbrances and in another audio recording they are satisfying the complainant Rajinder Singh that your money will be returned soon.

10. The evidence against the petitioner

That it is proved from the evidence which has come to light and by the statements made by private witnesses who were made to join the ongoing investigation that the present petitioner runs a shop of motorcycle repair. But he is involved in sale and purchase of land as well. He does not possess any license to deal as a property dealer. Other than this, he is the one who introduced Saraj Singh (seller/main accused), Complainant Rajinder Singh (buyer of land) and all the witnesses of agreement to sell (now accused in present case FIR). There are audio recordings which prove the involvement of present petitioner with other co-accused in deceiving the complainant Rajinder Singh. Also, there are witnesses who joined investigation on 05.09.2024 and 17.01.2025 and stated that the present petitioner has a motorcycle repair shop and also work as a property dealer. They also stated that present petitioner has deceived complainant Rajinder Singh because before registration of this present FIR, they had a meeting with Nishan Singh and others at house of Nishan Singh for returning the money of Rajinder Singh.”

10. It would be appropriate to refer to the following portions of the reply filed in (CRM-M-9672-2025), which read as follows:

“A. The role of the petitioner

8. That in this case, the petitioner is one of the witness in above said agreement to sell. He was asked to join investigation by serving him notice dated 20.12.2024 and 24.12.2024 u/sec 160 Cr.P.C. but he never joined. Other than this, there are several audio recordings presented by the complainant, according to which it is proved that present petitioner/accused Jaswant Singh Bedi, accused Nishan Singh and accused Lachman Samuel are closely related and are asking for more time from complainant Rajinder Singh. During investigation, on examination of one of the audio clips, it can be heard that the abovesaid accused persons are taking full guarantee that the land is free from any encumbrances and in another audio recording they are satisfying the complainant Rajinder Singh that your money will be returned soon.

B. The evidence against the petitioner

9. There are audio recordings which prove the involvement of present petitioner with other co accused's in deceiving the complainant Rajinder Singh. Also, there are witnesses who joined investigation on 05.09.2024 and 17.01.2025 and stated that the present petitioner Jaswant Singh Bedi as well as another co accused Avtar Singh are involved in activities of deceiving people.”

11. Petitioners are the witnesses to the alleged agreement and not the beneficiaries. Moreover, no money was paid to them, as such they are entitled to 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.

12. Given the above, 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 petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given above, provided the petitioners are not required in any other case, the petitioners 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.

14. While furnishing a personal bond, the petitioners 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)	

15. This order is subject to the petitioner's complying with the following terms.

16. The petitioners are 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. 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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

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

(ANOOP CHITKARA)
JUDGE

24.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.