



**102+228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-11620-2025 in/and
CRM-M-14321-2025 (O & M)
Date of decision: 21.04.2025**

SUKHCHAIN SINGH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Rishi Pal Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sanjeev Majra, Advocate for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

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Allowed as prayed for.

Copy of documents i.e. sale deed dated 13.03.2006, civil suits bearing Nos.1535 of 2023 and 983 of 2024 are taken on record as Annexures P-3 to P-6 respectively.

MAIN CASE

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.56 dated 11.02.2025 under Sections 120-B, 419, 420 of the Indian Penal Code, 1860, registered at Police Station City Thanesar, District Kurukshetra.

2. On 18.03.2025, following order was passed:

*"Instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short*



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'BNSS') seeking anticipatory bail in FIR No.56 dated 11.02.2025 under Sections 120-B, 419, 420 of the Indian Penal Code, 1860, registered at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner, inter alia, contends that the plot in question was purchased by father of the petitioner and the complainant. The petitioner never prepared forged and fabricated documents and he only sold his 1/3rd share in the plot on 13.03.2006, whereas the FIR (supra) was registered after a gap of about 19 years and the civil suit between the parties is already pending. Further, 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. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Sanjeev Majra, Advocate appears on behalf of the complainant and files his Vakalatnama 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 State counsel, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are specific allegations against the petitioner that he produced an imposter in place of the complainant and got the sale deed registered on 13.03.2006. As such, the petitioner is not entitled to the concession of anticipatory bail.

Adjourned to 21.04.2025.

*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***



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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, on instructions from SI Tejvir Singh, submits that in compliance of order dated 18.03.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 18.03.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

5. The petition is accordingly disposed of.



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6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

April 21, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |