



CRM-M-15640-2025

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

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CRM-M-15640-2025

Date of Decision: 26.03.2025

Satish Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R.S. Bains, Senior Advocate with
Mr. Utsav Singh Bains, Advocate for the petitioner

Mr. Rohit Arya, Deputy Advocate General, Haryana

Mr. Lokesh Sharma, Advocate for the complainant

TRIBHUVAN DAHIYA, J. (Oral)

This is second petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in case FIR No.737 dated 10.08.2023, registered under Sections 420, 467, 468, 471, 506 and 120-B IPC, at Police Station Samalkha, District Panipat.

2. As per allegations in the FIR, the petitioner, his brother Sanjay, and his brother's wife Savita, had purchased land in Sita Ram Colony on 06.01.2005, but details of *kill*a numbers were wrongly mentioned as 58/11/1 which was in possession of the complainant and his family. They have committed forgery and made a false declaration in the sale deed and documents connected therewith. They are also accused of submitting a forged site plan and a wrong property I.D. in an attempt to take possession of the complainant's land.



3. Learned senior counsel contends that dispute between the parties is regarding demarcation of the land, and the accused have already filed a partition suit on 04.10.2021 against the complainant, wherein an order of *status quo* has also been passed by the trial Court, dated 11.10.2021. It is also contended that the FIR has been lodged merely on apprehension, and prior thereto three inquiries were conducted by different authorities, dated 30.11.2021, 01.12.2021, 30.03.2023 and 26.04.2023. In all the inquiries the conclusion has been, the dispute between the parties is of civil nature as both are claiming their respective possession over a piece of land regarding which civil suit is also pending, and no cognizable offence is made out. The FIR was lodged under pressure of the complainant, a former MLA, and the petitioner was arrested after about a year on 03.08.2024, though there was no specific attribution to him. In fact, the other accused, Sanjay, Savita, P.P. Kapoor and Sukhdev Singh, have already been admitted to pre-arrest bail by the Sessions Court. Investigation of the case is already over, and the petitioner's custody is not required.

4. Learned State counsel opposes the grant of bail on the ground that another FIR No.493, dated 17.06.2022, registered under Sections 336, 427, 506, 34 IPC, at P.S. Samalkha, is pending against the petitioner. He also submits that after filing of challan/final report on 21.10.2024, the case is fixed for framing of charge on 04.04.2025. Thereafter, the prosecution witnesses, twenty in number, will soon be examined.

5. Learned Senior counsel contends that the second case (FIR No.493 dated 17.06.2022) is another instance of false implication of the petitioner since



it has been lodged by the same complainant alleging damage to his property and firing in air.

6. Submissions made by learned counsel for the parties have been considered.

7. It is apparent on record that the petitioner was arrested after a year of lodging of the FIR, whereas all other accused with similar allegations were admitted to pre-arrest bail by the Sessions Court. The investigation of the case is already over, as challan stands filed, and conclusion of trial will take some time as charge is yet to be framed. Therefore, no useful purpose will be served by confining him to custody any longer.

8. Accordingly, petition is allowed, and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

26.03.2025
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>