

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

CRM-M-15146-2025 (O&M)

Date of decision: 07.07.2025

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sherry K. Singla, Advocate for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab for the respondent.

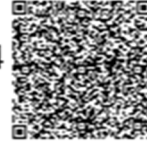
Mr. Rajbinder Singh Sidhu, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.33 dated 21.02.2025 (P-1), under Sections 420 & 120-B of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Talwandi Sabo, District Bathinda.

(2) Allegations are that petitioner in criminal conspiracy with other accused duped the *de facto* complainant to the tune of Rs.28.5 Lakh on pretext of selling land.

2025:PHHC:080264



(3) Learned Counsel contends that petitioner was granted interim protection by this Court, vide order dated 20.03.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from the quarter concerned.

(5) On the other hand, learned Counsel for *de facto* complainant vehemently opposed the prayer on the premise that petitioner defrauded *de facto* complainant of huge sum of money and thus, his custodial interrogation is very much necessary.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) There is no quarrel that petitioner was granted interim protection by this Court, vide order dated 20.03.2025 and the same read as under:-

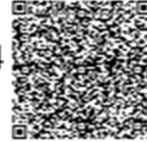
“Contends, inter alia, that civil suit on the basis of agreement to sell dated 10.01.2023 is already pending between the parties i.e. petitioner as well as de-facto complainant.

Notice of motion.

Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of the respondent; seeks time to have instructions and/or to file written response in the matter.

Posted for 14.05.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.”



(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation.

(9) Since learned State Counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is rejected.

(10) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner.

(11) Consequently, present petition is allowed; interim order dated 20.03.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(12) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(13) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(14) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

7th July, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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