



CRM-M-16503-2025

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

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**CRM-M-16503-2025 (O&M)
Date of Decision: 24.04.2025**

Darshan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. G.B.S.Dhillon, Advocate for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.393 dated 22.12.2021 (P-1), under Section 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Kharar, District SAS Nagar.

2. Allegations are that petitioner in connivance with co-accused fraudulently cheated the *de facto* complainant, namely, Shamsheer Kaur by selling her plot measuring 220 square yards to two persons, namely, Naresh Kumar and Kiran Kamal.

3. Contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 26.03.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.



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4. The above factual position is not disputed by learned State Counsel, on instructions from quarter concerned and submits that his custodial interrogation is not required.

5. Heard learned counsel for the parties and perused the paper-book.

6. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 26.03.2025 and the order reads as under:-

“Apprehending his arrest in FIR No.393 dated 22.12.2021 registered for offences punishable under Sections 420 IPC at Police Station City Kharar, District SAS Nagar; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Learned counsel appearing for the petitioner, inter alia, contends that the petitioner had issued GPA (copy whereof has been appended as Annexure P-2) for the property which is different from the one allegedly belonging to the complainant & willing to join investigation and cooperate therein.

Notice of motion.

On the strength of advance notice; Mr. Kunwarbir Singh, AAG, Punjab has entered appearance on behalf of the respondent-State of Punjab.

Adjourned to 24.04.2025.

The petitioner is directed to appear before the Investigating Officer on 02.04.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023. ”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition

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is allowed; interim order dated 26.03.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS.

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

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

11. 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.

24.04.2025

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No