



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-17057-2025 (O&M)
Date of decision: 28.04.2025

Gourav Kumar and others
.....Petitioners
Versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Piyush Setia, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Tushar Madaan, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail to the petitioners in FIR No.11 dated 26.02.2025 under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Abohar, District Fazilka.
2. On 27.03.2025, the following order was passed:-
- “XX XX XX XX
- Learned counsel for the petitioners, inter alia, contends that the dispute between the parties has arisen out of an agreement to sell, which is purely civil in nature and respondent No.2 has already instituted a civil suit for specific performance, as discernible from Annexure P-4. Further, the maximum sentence provided for the offence, 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. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Sarvesh Malik, Advocate for Mr. Tushaar Madaan, Advocate appears on behalf of respondent No.2 and files Memorandum of Appearance 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 respondent No.2, opposes the prayer for grant of anticipatory bail to the petitioner on the ground that necessary ingredients to invoke the provisions of Section 318(4) of BNS are clearly discernible from the fact that intention of the petitioner to cheat respondent No.2 was from the very inception.

Adjourned to 28.04.2025.

*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 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 petitioners are 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 petitioners will be admitted to interim anticipatory bail on*



furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will 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 petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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 assisted by learned counsel for respondent No.2 and on instructions from ASI Birbal Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.
- 4. In view of the statement of learned State counsel, order dated 27.03.2025 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).
- 5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.04.2025
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No