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

CRM-M-17654-2025 (O&M)

Date of decision : 15.05.2025

Devinder Singh and another

..Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.B.S. Dhillon, Advocate for the petitioners.

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

Mr. Jagdeep Singh Virk, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.353 dated 28.12.2024, under Sections 419, 420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') (Sections 465, 467, 468 and 471 IPC added later on), registered at Police Station Tripri Patiala, District Patiala.

(2) Allegations are that petitioners in connivance with each other had forged and fabricated the sale deed of *de facto* complainant.

(3) Learned counsel contends that petitioners were granted interim bail by this Court, vide order dated 01.04.2025 and in pursuance thereof, they have already joined the investigation; hence, their custodial interrogation is not required.



(5) On the other hand, learned counsel for the complainant contends that petitioners had cheated the *de facto* complainant by preparing forged and fabricated sale deed.

(6) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioners is not required.

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

(8) It transpires that petitioners were granted interim bail by this Court, vide order dated 01.04.2025 and the order reads as under:-

“Contends, inter alia, that sale deed regarding land in question was executed way-back in the year 2006 vide Vasika No.69 dated 03.04.2006; later on, complaint No.3850/Peshi dated 26.11.2008 given by mother of complainant was withdrawn and matter had been compromised on 31.12.2008 vide affidavit (P-2); thus, allegations against the petitioners are totally misconceived.

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 15.05.2025.

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



(9) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required.

(10) The objection raised by learned counsel for complainant is not accepted for the reason that State is not asking for custodial interrogation of the petitioners.

(11) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners. Consequently, present petition is allowed; interim order dated 01.04.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

(12) It is also made clear that petitioners 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 petitioners, 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.

15.05.2025

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No