



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-24844-2025

Date of decision: 23.09.2025

GURSAHIB SINGH @ SAHBA SINGH

...PETITIONER

V/s

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Jossan, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case bearing FIR No. 0079 dated 02.05.2024, registered for the offences punishable under Section 379B(2) of IPC at Police Station Sidhwan Bet, District Ludhiana Rural.

2. On 08.05.2025, the following order was passed:-

“CRM-18827-2025

This application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking exemption from filing certified copies of Annexures P-1 & P-2.

In view of the averments made in the application, same is allowed and exemption sought is granted.

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Instant petition is preferred under Section 482 of BNSS seeking anticipatory bail in FIR No.79 dated 02.05.2024 under Section 379B(2) of the Indian Penal Code, 1860, registered at Police Station Sidhwan Bet, District Ludhiana Rural.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present FIR at the behest of one Gurkirat Singh, who is based in Delhi and is running a company under the name and style of Nicer Green Housing and Infrastructures Developers Ltd., in which the petitioner also made investment. However, the said company defaulted in returning the



money to their investors and the petitioner has been implicated in two cases. The FIR (supra) has been registered after a delay of 03 days and the complainant himself admitted that for 03 days, he was searching the tractor trolley on his own. The petitioner has been framed in the present FIR only to put pressure upon him not to pursue his complaint filed against aforesaid Gurkirat Singh.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State. He opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is habitual offender and he is involved in some other cases.

Adjourned to 08.07.2025.

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 petitioner is 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 petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court. In view of the ratio of law laid down by Hon'ble Supreme Court in *Prabhakar Tiwari Vs. State of UP and anr.*, 2020(1) RCR (Criminal) 831 and *Maulana Mohd. Amir Rashadi Vs. State of U.P. and others*, 2012(2) SCC 382, the involvement of an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

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. On 18.08.2025, the following order was passed:-

"The petitioner (through his learned counsel) seeks and is afforded last opportunity to join the investigation. The petitioner is directed to now appear before the concerned Investigating Officer in the concerned police station on



03.09.2025 at 11:00 AM and join investigation in terms of order dated 08.05.2025.

List on 23.09.2025.

Interim order to continue.”

4. Learned State counsel, on instructions, has stated that pursuant to the orders dated 08.05.2025 and 18.08.2025 the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of above, the present petition is allowed and interim order dated 08.05.2025 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

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

(SUMEET GOEL)
JUDGE

23.09.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No