



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-27360-2025(O&M)

Date of decision: 29th August, 2025

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anil Kumar Saini, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.
Mr. Suneet Pal Singh Aulakh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 59 dated 27.04.2025 registered under Sections 406 and 420 of IPC at Police Station Machhiwara, District Khanna, Ludhiana.

2. The aforementioned FIR has been registered on the basis of a complaint submitted by complainant Jasvir Singh alleging that he was interested to buy some property and had contacted the petitioner, who is a property dealer. He was introduced with the co-accused Jagwinder Singh, Lovepreet Singh, and Jaspreet Singh by the petitioner. The petitioner and the co-accused represented to the complainant that the co-accused were joint owners of land measuring 59 kanals, 09 marlas, situated at Village Udhawal Khurd, Tehsil Samrala, District Ludhiana. They also showed *Jammabandi* of the said land wherein they were shown as owners. On being induced by them, the complainant entered into an agreement to sell the above mentioned



land with the co-accused. The sale consideration amount was fixed to be at the rate of Rs. 33,00,000/- per acre out of which an amount of Rs. 40,00,000/- was given by the complainant as earnest money. The complainant alleged that subsequently he came to know that some part of the property which was agreed to be sold to him was not in the ownership of the co-accused and in the revenue record, it was mentioned as "*Shamlat Deh Hasab Rakba Paimana Hakiat*". The co-accused were found to be owners only to the extent of 06 kanals, 13 marlas of the land agreed to be sold. On coming to know about this fact, the complainant asked the accused either to get the ownership of the above-mentioned property entered in their names or to return the earnest money, but the petitioner and the co-accused resiled from the same. By alleging that he had been cheated by the petitioner and co-accused and that wrongful loss was caused to him, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Ludhiana, which was dismissed vide order dated 08.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Being the village Sarpanch, he was only a witness to the agreement to sell and had no other participation. He is not a property dealer. He is neither the beneficiary of agreement to sell nor he was purchaser of the land. His role was very limited as a witness. The ingredients for commission of the offence under Section 420 of IPC have not been made out against him. The offence under Section 406 of IPC is antithesis to the offence under Section 420 of IPC, and, hence, the same is also not made out.



He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. A settlement has been arrived at between the co-accused who were the actual beneficiaries of the transaction as well as the complainant. The co-accused have been given concession of pre-arrest bail. As such, he too deserves to be given the same benefit. Therefore, it is urged that he deserves to be released on pre-arrest bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab, that the petitioner is a property dealer and it was he who had introduced the complainant with the co-accused and was master mind of the crime, as it was with his connivance that the co-accused had mis-represented themselves to be the owners of the land which was not fully owned and possessed by them. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to have induced the complainant to enter into an agreement to sell some property claimed to have been owned by the co-accused Jagwinder Singh, Lovepreet Singh, and Jaspreet Singh though they were not completely owners of the said property. As per the allegations, the petitioner was the property dealer, who had initiated the transactions. Vide separate order of even date passed in CRM-M-27856-2025, co-accused have been extended benefit of pre-arrest bail in view of the fact that a settlement has been arrived at between them and the complainant



and they have agreed to pay the amount of Rs. 40,00,000/- which was received by them as earnest money, to the complainant. The petitioner has claimed that he was only an attesting witness to the agreement to sell. There is no material on record to show that he was a property dealer and derived any benefit from the transaction. In view of the above discussed facts and given the nature of the allegations as levelled against the petitioner, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. Accordingly the petition is allowed and the petitioner is ordered to be admitted to pre-arrest bail subject to his appearance before the Investigating/Arresting Officer to join investigation within a period of ten days and subsequently also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS join investigation.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

9. This order shall come into force from the time it is uploaded on this Court's official webpage.

[MANISHA BATRA]
JUDGE

29th August, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No