

2025.PHHC:074156



132

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

**CRM-M-30542-2025
DECIDED ON: 29.05.2025**

SUKHPAL SINGH**.....PETITIONER**

VERSUS

STATE OF PUNJAB**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Pushp Jain, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.59 dated 25.04.2025, under Sections 420,419,464,469,470,471,500,409,120-B of Indian Penal Code, 1860, Police Station City 2, Mansa, District Mansa.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Ram Lal Bansal Vs SHO PS City-II Mansa. CRM 56-2025.Present:Sh. SK Singla, Adv. counsel for applicant.Heard on application filed by applicant under Section 175(3) of BNSS seeking an order for registration of FIR. Affidavit of complainant/ applicant is already on record vide which applicant had undertaken to avail/ exhaust all other remedies available under BNSS.Action taken report of SHO concerned as well as record from SSP Office, Mansa was called and attached with this file. As per Id. Counsel, wife of applicant namely Nirmala Bansal owns and possess one plot measuring 3.41 Marlas having purchased the said plot vide sale deed dated 14.08.2018. Thereafter, she entered into an agreement to sell in

respect of said land and for the said purpose, she applied for NOC through online portal of Nagal Council Mansa and completed all the formalities. However, the application was declined due to which the agreement to sell turned redundant and she had to suffer huge loss. Thereafter, applicant and his wife came to know that NOC's were issued to several other persons/ applicants who even applied for NOC at later stage. Applicant visited the Office of Nagar Council time and again but of no use. An application under RTI was also filed by applicant but the same was refused and when appeal was filed, the applicant was astonished to know that the proposed accused persons no. 1 to 3 produced one "No Due Certificate" dated 15.11.2022 in the name of the wife of the applicant. Later-on, it revealed that the proposed accused persons had issued NOC to someone else after forging the signature of Nirmala Bansal. Not only this, they also produced one receipt dated 17.11.2022 regarding payment of fees for issuance of NOC which is clearly established the factum of forgery by the proposed accused persons. It is further argued that an inquiry was conducted by Additional Deputy Commissioner, Mansa and vide his report/ order dated 03.05.2024, he directed the concerned authority for registration of criminal case against the proposed accused persons. The applicant visits the Office of respondent time and In but no action was taken. Since, police agency has not acted upon the order/report of Ld. ADC Mansa and failed to register FIR, the applicant was left with other option but to file the no application in hand In this regard, it is hereby observed that from perusal of application and the record from the Office of Ld. SSP Mansa as well as the report of SHO concerned, it transpires that vide letter no.UD(K-2)-2024/2108 dated 16.10.2024, Id. ADC was pleased to issue a letter to Ld. SSP Mansa seeking investigation/ inquiry into the matter and to report at the earliest. In the said letter, it was specifically mentioned that signatures of Nirmala Bansal available in the record regarding application for NOC are not identical/ matching with the signatures on the receipt of receiving of the NOC. It is also mentioned in the said letter that separate letters i.e. letter no.1232

dated 05.07.2024, letter no.1461 dated 24.07.2024, letter no.1921 dated 12.09.2024 and letter no. 2089 dated 14.10.2024 were issued to Office of Nagar Council Mansa by the Office of Ld. Deputy Commissioner, Mansa but as per record, no proceeding has been initiated by the Office of Nagar Council, Mansa as well as no action was also taken by police. It is further observed that on the basis of aforesaid letter, matter was marked to Police Station City-2 Mansa and during preliminary inquiry, applicant was called at police station. However, to the utter surprise, there is one statement of applicant Ram Lal Bansal in the record produced by police, as per which he has stated before police that one civil suit is pending adjudication and that he is not inclined to get the matter resolved/redressed through police officials. Based upon said statement, no other inquiry or proceeding was conducted and the case was closed by Investigating Officer, for the reasons best known to him. However, during the course of arguments, Id. Counsel for the applicant along-with applicant stated at bar that there is no civil suit pending adjudication as applicant or his wife has never filed any Civil Suit, as such, question of giving such statement to police does not arise. It is further observed that the copies of the documents obtained by applicant through RTI are annexed alongwith the application on perusal of which it appears that the signature of Nirmala Bansal on receipt of NOC certificate is not similar to her signatures on the site plan and photographs filed by her along- with online application before Nagar Council Mansa. Further, from the aforesaid document, it transpires that the on-line application which was moved by Nirmala Bansal was filed on 20.10.2022 and that the same was disapproved on 07.11.2022. No new application was moved by Nirmala Bansal, so the question of issuing of NOC on 15.11.2022 or 15.12.2022 (as reflected in the report of SHO, DSP and SSP, Mansa) does not arise at all. From perusal of the documents relied by the applicant as well as the record produced by the officials of SSP Office and the report of SHO concerned, it transpires that despite letters being issued to SSP Mansa and the concerned police officials

by a Public Servant (ADC Mansa), police has not paid any heed in registering the case and to investigate the matter. In the present case, the applicant is an aged person of 74 years of age and he along-with his wife are made to move from pillar to post to seek redress of their grievance. Accordingly, various officials of Nagar Council, Mansa might be involved in said controversy which needs to be unearthed and this practice/evil needs to be nipped in the bud. Although, the documents have been obtained by the applicant by way of RTI, yet, a deep probe is required in the matter to find out the actual culprits and the persons/ officials involved in this crime. However, the police agency has deviated from its duty and in place of investigating the matter had reported to close the matter after recording one statement of the applicant which itself appears to be suspicious under the present circumstances. It being so, this Court is of the considered view that the present matter falls within the scope and ambit of the decision of Hon'ble Supreme Court in "Lalita Kumari Vs State of UP WP(Crm) No.68 of 2008" as the application moved by Ld. ADC Mansa as well as facts of case suggests commission of cognizable offence. Further, the facts of this case are so intricate, which requires investigation by police and special investigative skills and resources which are beyond the capacity of applicant alone. This view of the Court is fortified by decision of our own Hon'ble High Court in "Pawan Kharbanda Vs State of Punjab and Anr." CRM-M no.3193 of 2025 (O&M) and this Court is of this opinion that probe by investigating agency is genuinely warranted. Accordingly, copy of this order be sent to SHO concerned for registration of the case and for investigation. File be put up on 01.05.2025 for awaiting report of SHO. Date of Order: 01.04.2025 Neetika Garg.-Sd/-(Karan Aggarwal) Judicial Magistrate Ist Class, Mansa, PB0552. Copy of order Dt.01.04.2025 forwarded to SHO, P.S.city-2 Mansa for information & Necessary actions/Judicial Magistrate Ist class, Mansa ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is working as a clerk in the office of Nagar Council Mansa, wherein the NOC in question has been issued by Executive Officer on 05.11.2025 to which the petitioner has no role or responsibility. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the allegation against the petitioner are serious in nature, therefore, his custodial interrogation is required. Though it could not controvert the fact that the petitioner is merely a clerk in the office of Nagal Council, Mansa.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the NOC in question has been issued by the Executive Officer in which the petitioner has no role or responsibility and no incriminating material has been put forth by the State to connect the petitioner with the alleged commissioning of offence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

29.05.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>