



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-45405-2023

Date of Decision: 04.12.2025

KULBIR SINGH AND ANR

.....Petitioners

Vs.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. P.S. Ahluwalia, Senior Advocate with
Ms. Bhavi Kaur, Advocate for the petitioner.

Mr. B.S. Saroha, DAG, Haryana.

Mr. Ajay Kumar Dahiya, Advocate
for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. On 13.09.2023, this Court had passed the following order:-

“Learned counsel for the petitioners has submitted that the present petition has been filed by two petitioners. However, now after the filing of the present petition, petitioner No.2, namely, Tejbir Singh has since been arrested and qua him the present petition has become infructuous.

2. In view of the aforesaid statement made by learned counsel for the petitioners, the present petition qua petitioner No.2 is dismissed as having been rendered infructuous.

3. So far as petitioner No.1 is concerned, learned counsel for petitioner No.1 has submitted that it is a case where the allegations against petitioner No.1 were that he had usurped the property of the complainant by transferring the same in his name and also in the name of his wife by practicing fraud. He submitted that further allegations against petitioner No.1 were that the petitioner No.1 is doing the business of financing without any



authority of law and is lending money @ 4% interest and is also doing the business of financing and giving loans. He also submitted that earlier the complaint was filed on the same cause of action which was thoroughly inquired into by the SHO, Police Station Sadar Gohana, Sonipat and after thorough inquiry it was found vide Annexure P-2 that the matter is civil in nature and no cognizable offence is made out since the offence is found to be civil in nature. He submitted that notwithstanding the aforesaid order, a fresh FIR has been registered on the same cause of action. He further submitted that even otherwise also the matter is totally civil in nature and so far as the land which was transferred to the wife of the petitioner No.1 by way of two sale-deed comprising of total 8 kanals is concerned, his wife, namely, Madhu has filed a separate petition for grant of anticipatory bail before this Court in CRM-M-43535-2023 and a Co-ordinate Bench of this Court vide Annexure P-12 dated 01.09.2023 has issued notice of motion and interim protection has also been granted to her.

4. Learned counsel for the petitioner further referred to Annexure P-3 to contend that even otherwise also, so far as the dispute with regard to remaining land is concerned, the complainant had executed an agreement to sell pertaining to 56 kanals of land regarding which the petitioner No.1 himself has filed a suit for specific performance against the complainant which is still pending and even an interim order has been passed restraining the complainant to alienate in the property vide Annexure P-5 and in this way a criminal flavour has been given to a civil dispute.

5. Notice of motion.

6. Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the respondents and prays for some time to seek instructions and to file affidavit in the present case.

7. At this stage, Mr. Hemant Bassi, Advocate has caused appearance and filed his Vakalatnama on behalf of the complainant which is taken on record.



8. *Adjourned to 25.09.2023.*

9. *Meanwhile, petitioner No.1 is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.*

10. *The complainant shall also be at liberty to file an affidavit before the next date of hearing with an advance copy to the learned counsel for the petitioner if so advised and so desired.*

11. *To be heard along with CRM-M-43535-2023.*

12. *At this stage, learned State counsel and the counsel for the complainant have submitted that thereafter, an offence under Section 506 IPC has also been added in the present FIR.*

13. *Learned counsel for the petitioner has submitted that the petitioner was not aware of the aforesaid addition of the offence. He submitted that on his oral request, the necessary correction be made in the Head Note as well as in the Prayer Clause of the present petition.*

14. *Learned State counsel and the counsel for the complainant have stated that they have no objection with regard to the same.*

15. *Consequently, the prayer of the learned counsel for the petitioner is accepted. It is directed that in the Head Note and Prayer Clause of the main petition, the provisions of Sections 406 & 420 of the IPC be substituted and read as Sections 406, 420 & 506 of the IPC.*

16. *The Registry is directed to make necessary corrections.”*

2. Learned Senior counsel submits that in pursuance of the aforementioned order, the petitioners have joined investigation thrice over and also fully cooperated with the investigating agency as affirmed by learned State counsel. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.



3. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners are allowed and the order dated 13.09.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section **438(2) Cr.P.C. (now 482(2) of BNSS, 2023)**

4. However, it is made clear that if the petitioners fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

04.12.2025

(AMAN CHAUDHARY)
JUDGE

pry

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