



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

202 (2nd case)

CRM-M-46340-2024 (O&M)
Date of Decision: 07.07.2025

Radhey Sham alias Radhe Sham

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

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

Mr. Prateek Sodhi, Advocate
for respondent No.2-complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Criminal Procedure Code, 1860 (for short 'Cr.P.C.') for grant of pre-arrest bail to petitioner in FIR No. 79 dated 18.06.2024, under Sections 120-B, 420, 465, 467, 468, 471 read with Section 511 of the Indian Penal Code, 1860, registered at Police Station Cantonment, District Police Commissionerate Amritsar.

2. Allegations are that petitioner along with co-accused, namely, Bharat Kumar in connivance with each other forged documents in the nature of lease deeds in respect of property i.e. *Akhada Nirvansar* and the said lease deeds have been executed in favour of Manjit Singh and Harjeet Singh.



3. Contends that petitioner was granted interim bail by Coordinate Bench of this Court on 17.09.2024 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

4. The above factual position is not disputed by learned State Counsel on instructions from quarter concerned and submits that his custodial interrogation is not required at this stage.

5. *Per contra*, learned counsel for complainant opposed the prayer on the premise that petitioner and his co-accused have forged and fabricated alleged compromise deed and as a matter of fact, complainant is in possession of premises i.e. *Akhada Nirvansar*.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that while issuing notice of motion, petitioner was granted interim protection by Coordinate Bench of this Court on 17.09.2024 and the order reads as under:-

“Notice of motion for 28.1.2025.

At this stage, Ms. Tapinder Kaur, Advocate for Mr. Prateek Sodhi, Advocate has put in appearance on behalf of the complainant and has filed memorandum of appearance, which is taken on record. Power of Attorney be filed on or before the next date of hearing.

To be heard alongwith CRM-M-41468-2024.

Interim directions in the same terms as passed in CRM-M-41468-2024.”



8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.

9. So far as the fact of any tampering or manipulation of alleged document [affidavit dated 18.09.2023 (P-2)] is concerned that would be a matter of trial and *prima facie*, the dispute between the parties is civil in nature. Moreover, the property belongs to *Akhada Nirvansar* and neither petitioner; nor *de facto* complainant is the owner of the same.

10. Apart that State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected.

11. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 17.09.2024 is made absolute subject to the conditions as envisaged under Section 438(2) of Cr.P.C./482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. It is also made clear that petitioner 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.

07.07.2025
Ithlesh

(MAHABIR SINGH SINDHU)
JUDGE

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