



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 201

Criminal Miscellaneous No.M-48175 of 2024

Date of Decision: February 17, 2025

Sukhwinder Singh

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

PRESENT: - Mr. J.S. Grewal, Advocate, for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

None for respondent No.2.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNSS'), seeking pre-arrest bail to the petitioner in case FIR No.109 dated 21.08.2024, under Sections 420, 120-B IPC and Section 82 of Registration act, 1908, registered at Police Station, Dirba, District Sangrur.

2. Allegations are that petitioner in connivance with co-accused cheated complainant to the tune of ₹ 10,00,000 on pretext of selling land, but did not execute sale deed.

3. Contends that petitioner was granted interim protection on 25.09.2024 by the Co-ordinate Bench and in pursuance thereof, he has already joined investigation. Thus, his custodial interrogation would not serve any purpose.

4. Learned State counsel, on instructions from SHO Kamar Deep Singh, although acknowledged the factum of joining investigation but submitted that amount of ₹ 10 lakh is yet to be recovered from the petitioner.



5. None has appeared on behalf of respondent No.2, despite service.
6. Heard learned counsel for both the sides and perused the paper-book.
7. It is a matter of record that petitioner was granted interim bail by the Co-ordinate Bench of this Court on 25.09.2024 and the order reads as under:-

Petitioner-Sukhwinder Singh has filed this petition under Section 482 of the Bhartiya Nagarik Suraksha Sanjita, 2023 for grant of anticipatory bail to him in FIR No.109 dated 21.8.2024 under Sections 420, 120-B of IPC and Section 82 of Registration Act, 1908

Learned counsel for the petitioner argued that the present FIR has been lodged by complainant-Birbal Sharma. His wife Madhu Rani has filed a civil suit (Annexure P-3) for possession by way of specific performance of agreement to sell dated 16.12.2023 which is pending adjudication before the trial Court at Samana. Matter in controversy is civil in nature. Moreover, the petitioner is ready to join the investigation as and when required.

Notice of motion.

On asking of this Court, Mr.Kewal Singh, Addl.A.G., Punjab accepts notice on behalf of respondent-State. He seeks an adjournment to file status report. He may do so by the next date of hearing.

Let notice be issued to respondent no.2.

Adjourned to 25.11.2024.

In the meantime, arrest of petitioner is stayed subject to joining of his investigation.

8. Learned State counsel has duly acknowledged that in pursuance of the aforesaid order, petitioner has already joined the investigation. Objection raised by learned State counsel to the effect that alleged amount of ₹ 10 lakh is yet to be recovered, would not be a ground to deny him the benefit of pre-arrest bail, especially in view of the fact that



Punjab Police is not a recovery agent for the complainant; rather, they have to maintain the law and order situation in the State.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 25.09.2024, is made absolute subject to conditions as envisaged under Section 482(2) of BNSS.

10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. Above observations be not construed as an expression of opinion on merits of case; rather confined only to decide the present bail matter.

12. It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.

13. Disposed off accordingly.
Pending application(s), if any, shall also stand disposed off.

(Mahabir Singh Sindhu)
Judge

February 17, 2025
avin

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>