

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58190-2024
Date of decision: 22.01.2025

ASHOK KUMAR
....PETITIONER

Versus

STATE OF PUNJAB
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Rajesh Girdhar, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
200	30.05.2024	419, 420, 406, 465, 468, 471 and 120-B of IPC	Zirakpur, SAS Nagar.

2. Status report dated 17.12.2024 in the form of an affidavit of Deputy Superintendent of Police, Zirakpur, District SAS Nagar, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that in compliance to the order dated 27.11.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the



CRM-M-58190-2024

2

4. Learned State counsel, on instructions from ASI Narinder Kumar, on telephonic instructions, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.

5. Learned counsel for the complainant opposed the bail application of the petitioner by arguing that the petitioner had been running the business of property dealing and has actively participated in duping the petitioner, as such, he is not entitled to concession of bail.

6. During the course of hearing on 27.11.2024, following order was passed:

“2. Learned counsel for the petitioner, inter alia, contends that the petitioner, being the proprietor of the firm Punjab Properties, has no concern whatsoever with the transactions alleged in the FIR. He submits that as per the allegations in the FIR, one Amardeep Singh and Narpinderjit Singh alleging themselves to be partners of Punjab Properties had entered into a deal with the complainant for sale of some land of one Gurdev Singh. He contends that even as per the FIR, all the money transactions took place between the complainant and the said Amardeep Singh and admittedly no amount was paid to the petitioner. He further contends that the complainant has wrongly mentioned in the FIR that the petitioner along with Amardep Singh and Narpinderjit Singh are the partners of Punjab Properties and in fact it is a sole proprietorship of the petitioner. It is submitted that petitioner was neither a party to such transaction nor he had signed even on the alleged sale deed dated 22.11.2023 nor is there any authorization on behalf of the petitioner in any manner. The



CRM-M-58190-2024

3

petitioner is not having any criminal antecedents and is ready to join investigation.

3. Notice of motion.

4. On the asking of the Court, Ms. Seena Sandhu, Addl. A.G. Punjab present in Court, accepts notice on behalf of the respondent-State and on instructions from SI Narinder, Police Station Zirakpur submitted that the petitioner is not signatory to the agreement to sell or the said sale deed dated 22.11.2023. She prays for time to file status report in the matter.

5. Be filed on or before next date of hearing with an advance copy to the counsel opposite.

6. Mr. Rajesh Girdhar, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. Same is taken on record. He opposes the grant of bail to the petitioner.

7. Adjourned to 18.12.2024.

8. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.”

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 27.11.2024. passed by this Court, interim bail granted vide order dated 27.11.2024. is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by

CRM-M-58190-2024

4

way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.
9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

22.01.2025
kanika

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |