



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

210

CRM-M-59270-2025

Date of decision : 26.11.2025

BIRBAL SHARMA

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sandeep Kumar Tada, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH. J.(Oral)

1. This is a petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter referred to as 'BNSS'), for anticipatory bail, in a case arising out of FIR No.119 dated 27.06.2025 under Sections 420, 120-B of IPC, 1860, Police Station Nihal Singh Wala, District Moga.

2. The allegations against the petitioner are that he had executed a sale deed of a piece of land which was the joint property and that he executed the sale deed despite the fact that he was left with no share in that property, as he had already sold his entire share in the joint property..

3. The learned counsel for the petitioner disputes the above-mentioned allegations and claims that the petitioner was having share in the property and the same was duly reflected in the revenue record. As per

learned counsel for the petitioner the above-said dispute *prima facie*, is a dispute of civil nature, and that the petitioner has permanent abode and the offence is triable by Court of learned Judicial Magistrate.

4. It has been submitted by learned counsel for the petitioner that the petitioner has joined investigation and that the order dated 20.10.2025, whereby the petitioner was afforded the benefit of interim anticipatory bail, be made absolute.

5. Status report has been filed by learned State counsel. The same be taken on record.

6. The learned State counsel, on the instructions of SI Ranjit Singh Dhindsa, although admitted that the petitioner has joined investigation, but contended that in order to fix the role of petitioner and the manner in which fraud has been played, his custodial interrogation is required.

7. Heard. The record has been perused carefully.

8. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of decision of present petition:-

- (i) that the dispute between the parties seems to be a dispute of civil nature
- (ii) that the offence is triable by the Court of Judicial Magistrate;
- (iii) that the petitioner has already joined investigation and the evidence to be collected by the Investigating Agency is documentary in nature.

- (iv) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses;
- v) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

9. In view of above, it is hereby held that the present petition deserves to be allowed and the order dated 20.10.2025 whereby the benefit of interim bail was accorded to the petitioner, deserves to be made absolute.

10. Hence the present petition stands allowed and the order dated 20.10.2025 is hereby made absolute.

(SURYA PARTAP SINGH)
JUDGE

26.11.2025
vipin

Whether speaking/reasoned : Yes
Whether Reportable : No