



CRM-M-15781-2025 and
CRM-M-18278-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-15781-2025

Sunil Thorpe @ Morris Sunil Thorpe

.....Petitioner

Versus

State of Punjab
229-2

.....Respondent
CRM-M-18278-2025

Sunita Thorpe

.....Petitioner

Versus

State of Punjab

.....Respondent

Decided on: 14.05.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rajesh Bhateja, Advocate
for the petitioner(s)
(in both cases)

Mr. Manjinder Singh Bhullar, DAG, Punjab.

Mr. A.S. Brar, Advocate
for the complainant.

SANJAY VASHISTH, J.

1. The aforementioned petitions are being disposed of by way of a common order, as they arise out of the same FIR.
2. The present petitions have been filed by Sunil Thorpe @ Morris Sunil Thorpe (petitioner in CRM-M-15781-2025) and Sunita Thorpe (petitioner in CRM-M-18278-2025) under Section 482 of the



**CRM-M-15781-2025 and
CRM-M-18278-2025**

2

Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking anticipatory bail in case FIR No.36 dated 24.02.2025, registered under Sections 318, 316, 336, 338, 340 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), at Police Station Moga, District Moga.

3. When CRM-M-15781-2025, filed by petitioner-Sunil Thorpe @ Morris Sunil Thorpe came up for consideration before this Court on 21.03.2025, the following order was passed:

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
<i>Sunil Thorpe @ Morris Sunil Thorpe, aged about 62 years</i>	<i>36</i>	<i>24.02.2025</i>	<i>318, 316, 336, 338, 340 and 61(2) of BNS, 2023</i>	<i>City Moga</i>	<i>Moga</i>

2. Learned counsel for the petitioner, inter alia, contends that vide letter dated 11.12.1994, Mrs. Asha Thorpe, who is mother of the petitioner, was allotted the plot measuring 11861 square yards (44 marlas), by Church of North India, under Diocesan Rehabilitation Scheme (Annexure P-2). The letter specifically mentioned that, although the plot should not be alienated, the allottee (the petitioner's mother) and her descendants (legal successors) would enjoy all ownership rights.

The said plot was recorded in the Jamabandis for the years 1997-98 to 2017-18 (Annexure P-3), as being in the ownership of the petitioner's mother, based on the allotment letter. After the death of the petitioner's mother, inheritance was transferred to the petitioner, namely, Sunil Thorpe, through mutation No. 81165. This mutation was duly sanctioned by the concerned revenue authorities.

Subsequently, the plot was recorded as being in the ownership of the petitioner in the Jamabandi for 2017-18. However, on being transferring the plot in favour of Sunita



Thorpe (the petitioner's wife), it was mutated in her name through mutation No. 81925. As a result, the ownership was updated in the Jamabandi for 2017-18 to reflect her name.

3. *Thus, counsel for the petitioner submits that as per the allotment letter, ownership rights were granted and same is reflected in the Revenue record also, which carries presumption of truth, unless same is rebutted by the complainant or the allotting authority.*

In addition, it is submitted that the sale conducted by the petitioner's wife is not under dispute. The only issue in question is the denial, which can only be resolved by the Civil Court, and that too, upon the objection raised at the instance of the Church of North India.

4. *Thus, there being no criminality involved in the present case, counsel for the petitioner prays for grant of concession of anticipatory bail to the petitioner in the present case.*

5. *Notice of motion.*

6. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report.*

Mr. Arshdeep Singh Brar, Advocate, puts in appearance on behalf of the complainant, and files his vakalatnama in Court today, which is taken on record.

7. *Adjourned to 14.05.2025.*

8. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

9. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

4. Subsequently, CRM-M-18278-2025, filed by co-accused, namely Sunita Thorpe, was listed for hearing on 03.04.2025. While granting the concession of ad-interim bail, this Court passed the following order:

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

<i>Name &</i>	<i>FIR</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police</i>	<i>District</i>
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**CRM-M-15781-2025 and
CRM-M-18278-2025**

4

age of Petitioner (s)	No.			Station	
Sunita Thorpe	36	24.02.2025	318, 316, 336, 338, 340 and 61(2) of BNS, 2023	City Moga	Moga

2. Learned counsel for the petitioner submits that prayer of the present petitioner is almost covered with the submissions and facts noticed by this Court in its order dated 21.03.2025 passed in CRM-M-15781-2025, whereby anticipatory bail was granted to similarly situated co-accused namely; Sunil Thorpe @ Morris Sunil Thorpe (husband of present petitioner). For reference, order dated 21.03.2025 is reproduced herebelow:

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Sunil Thorpe @ Morris Sunil Thorpe, aged about 62 yeas	36	24.02.20 25	318, 316, 336, 338, 340 and 61(2) of BNS, 2023	City Moga	Moga

2. Learned counsel for the petitioner, inter alia, contends that vide letter dated 11.12.1994, Mrs. Asha Thorpe, who is mother of the petitioner, was allotted the plot measuring 11861 square yards (44 marlas), by Church of North India, under Diocesan Rehabilitation Scheme (Annexure P-2). The letter specifically mentioned that, although the plot should not be alienated, the allottee (the petitioner's mother) and her descendants (legal successors) would enjoy all ownership rights.

The said plot was recorded in the Jamabandis for the years 1997-98 to 2017-18 (Annexure P-3), as being in the ownership of the petitioner's mother, based on the allotment letter. After the death of the petitioner's mother, inheritance was transferred to the petitioner, namely, Sunil Thorpe, through mutation No. 81165. This mutation was duly sanctioned by the concerned revenue authorities.

Subsequently, the plot was recorded as being in the ownership of the petitioner in the Jamabandi for 2017-18. However, on being transferring the plot in favour of Sunita Thorpe (the petitioner's wife), it was mutated in her name through mutation No. 81925. As a result, the ownership was updated in the Jamabandi for 2017-18 to reflect her name.

3. Thus, counsel for the petitioner submits that as per the allotment letter, ownership rights were granted and same is reflected in the Revenue record also, which carries presumption of truth, unless same is rebutted by the complainant or the allotting authority.



In addition, it is submitted that the sale conducted by the petitioner's wife is not under dispute. The only issue in question is the denial, which can only be resolved by the Civil Court, and that too, upon the objection raised at the instance of the Church of North India.

4. *Thus, there being no criminality involved in the present case, counsel for the petitioner prays for grant of concession of anticipatory bail to the petitioner in the present case.*

5. *Notice of motion.*

6. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report.*

Mr. Arshdeep Singh Brar, Advocate, puts in appearance on behalf of the complainant, and files his vakalatnama in Court today, which is taken on record.

7. *Adjourned to 14.05.2025.*

8. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

9. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

3. *Notice of motion.*

4. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report.*

Mr. Arshdeep Singh Brar, Advocate, puts in appearance on behalf of the complainant, and files his vakalatnama in Court today, which is taken on record.

5. *Adjourned to 14.05.2025.*

6. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of her arrest, the petitioner shall be released on ad-interim bail, subject to her furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

7. *Besides, it is directed that petitioner would hand over her passport to the Investigating Agency or to Court concerned, if she possesses. Otherwise, would submit an affidavit, disclosing the fact that she does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

8. *To be heard alongwith CRM-M-15781-2025.*



**CRM-M-15781-2025 and
CRM-M-18278-2025**

6

5. Learned counsel for the petitioners submits that in compliance of orders dated 21.03.2025 and 03.04.2025 passed by this Court, the petitioners have joined the investigation, and have fully co-operated, thus, prays for confirmation of the interim bail orders.

6. Learned State counsel has filed separate status report in both the aforementioned petitions, by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, Sub Division City Moga, District Moga on behalf of respondent/State, in Court today. Same are taken on record. Registry is directed to tag the same at appropriate place with the paper book.

Learned State counsel submits that the allegations levelled against the petitioners are highly serious and grave, thus, prays for dismissal of the present petition.

7. Learned counsel appearing on behalf of the complainant has vehemently opposed the prayer and submits that in view of the grave allegations involving fraud and manipulation of revenue records, coupled with the petitioners active role in the deceptive transaction and likelihood of non-cooperation, the petitioners do not deserve the concession of pre-arrest bail and also prays for dismissal of the present petition.

8. Heard learned counsel for the parties.

9. I have considered the submissions advanced by learned counsel for the complainant opposing the grant of anticipatory bail. However, such contentions cannot be appreciated at this stage, as the evidentiary value of the documents in question is yet to be tested before



**CRM-M-15781-2025 and
CRM-M-18278-2025**

7

the trial Court, based on the prosecution's case. It is only upon such adjudication that any conclusive determination regarding the alleged criminality of the petitioners can be made.

Since, the petitioners have joined the investigation and cooperated with the Investigating Agency, the interim bail granted vide orders dated 21.03.2025 and 03.04.2025 is made absolute. Accordingly, the present petitions are allowed.

However, petitioners shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioners would hand over their passport to the Investigating Agency or to Court concerned, if they possess. Otherwise, would submit an affidavit, disclosing the fact that they do not possess any passport.

It is also directed that before leaving country any time during trial, petitioners would seek prior permission of the Court.

10. Accordingly, petitions stand disposed of.

11. A photocopy of this order be placed on the file of another connected case.

**(SANJAY VASHISTH)
JUDGE**

May 14, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**