



CRM-M-30449-2025
CRM-M-30285-2025
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This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.0044 dated 27.03.2025 (Annexure P-1) under Section 318(4) of BNS registered at Police Station City Balachaur, District SBS Nagar, Punjab.

On 28.05.2025, the following order was passed:-

'All these petitions are clubbed together as all the petitions are arising out of the same FIR. However, the facts are taken from CRM-M-30285-2025.

The present petitions have been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking seeking anticipatory bail to the petitioners in case bearing FIR No. 0044 dated 27.03.2025 under Section 318(4) of Bhartiya Nyaya Sanhita, 2023 at Police Station City Balachaur, District SAS Nagar.

Learned counsel for the petitioners inter alia contends that petitioners have not been named in the FIR. Further, the petitioners are not the beneficiary of the agreement to sell and rather petitioner-Paramjit Singh has signed the agreement to sell as a marginal witness. Further, the petitioners are having clean antecedents and they are not involved in any other case and dispute between the parties is purely civil in nature, which has been converted into the FIR(supra). Further the civil suit is already pending as is discernible from the zimni orders Annexure P-5 and P-6 respectively and the maximum sentence provided for the offences under which FIR(supra) has been registered, is punishable upto 07 years and no notice under Section 35(3) of BNSS was served upon the petitioners.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. AG Punjab and Mr. Sandeep Kumar, DAG Punjab, who are present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioners are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 11.07.2024.

Nothing observed hereinabove shall be construed as



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expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

A photocopy of this order be placed on the files of other connected cases.'

Learned State counsel on instructions from ASI Bhushan Lal, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 28.05.2025 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

11.07.2025

Neha

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