



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-16549-2025

Date of Decision : March 26, 2025

MOHAMMAD SHARIF

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Zorawar S. Chauhan, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.09 dated 13.04.2024, under Sections 420/448/120-B IPC, registered at Police Station NRI, District Jalandhar Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Complaint UID No.2398511 Dated 11.01.2023 from Rajari son of Satpal Singh resident of Village Hiala District Shaheed Bhagat Singh Nagar at present resident of Dubai to the office of Additional Director General of Police, NRI Wing, Punjab, Phase 7, SAS Nagar, the content of which is as follows:- To, A.D.G.P.NRI, Punjab Chandigarh. Subject: Complaint against Jasvir Singh son of Sohan Singh (2) Gurpreet Singh son of Gurdev Singh (3) Muhamad Sharif @ Shafi (4) Amna son of Jasveer Singh and other unknown persons, for taking the illegal possession of plot owned by us, by the above

mentioned accused persons. Sir, it is humbly submitted that I Rajan son of Shri Satpal resident of Village Hiala District Shaheed Bhagat Singh Nagar at present resident of Dubai. One plot registered in the name of my mother Saroj Bala is situated in village bachowal Hadbast No.137 Khewat No.35/31, Khatauni No.37, Khasra No.20//7 Tehsil Phillaur District Jalandhar Punjab. I live in dubai with my whole family. When I went to see my plot at Village Bachowal Tehsil Phillaur then the lock of our plot was broken and possession of the plot was taken by some persons and the electricity connection was also operative, then I asked them that How have you got the electricity meter installed on this plot, then the accused persons used abusive language and said that "Who are you to stop us", when I told them that we own the above mentioned plot and it is in the name of my mother. Upon hearing this from me, accused and other person used filthy abusive language for me and they also used filthy language against my reputation. Therefore, I request before you that appropriate legal action be taken against the above mentioned accused persons and case for fraud be registered. The possession of the my plot from the above mentioned accused be restored. Because the sale deed of the above plot is with me. Which I can present on the spot. As evidence the copy of fard is attached with the complaint. sd/ Rajan son of Shri Satpal Singh resident of Village Hiala District Shaheed Bhagat Singh Nagar at present resident of Dubai Mobile No.82840-90127 dated 05.01.2023."

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the dispute involved in the present case is civil in nature which has been given the colour of criminal liability. The civil suit is already pending in the Court on the same cause of action. It has been contended on behalf of the petitioner that nothing is to be recovered from his conscious possession and is ready and willing to join the investigation and cooperate with the investigating officer concerned. It has been submitted that co-accused Gurpreet Singh has already been

granted the concession of anticipatory bail by this Court vide order dated 28.11.2024 passed in CRM-M-59414-2024 (Annexure P-8).

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner.

4. Analysis

Be that as it may, considering the fact that the dispute involved in the present case is civil in nature and the fact that the co-accused namely Gurpreet Singh has already been granted the concession of anticipatory bail by this Court vide order dated 28.11.2024 passed in CRM-M-59414-2024 (Annexure P-8); nothing is to be recovered from the present petitioner added to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

March 26, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No