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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30993-2025
DECIDED ON: 29.05.2025

MALKEET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kamaldeep Singh Sidhu, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in F.I.R. No. 107 dated 11.05.2025 under section 303(2) of the Bhartiya Nyaya Sanhita, 2023 registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1).

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

“Copy of statement, Statement of Gurwinder Singh son of Jaskaur Singh son of Baldev Singh, Resident of Middu Khera at present resident of Shiv Colony Rama Mandi District Bathinda, aged about 43 years Mob. No. 94652-57545. Stated that I am a resident of the abovesaid address. My land is situated in village Middu Khera. I have about 60 kanals of land. The land bearing Khatouni No. 637 Mastil No. 55 Killa No. 5/2(2-0) has come in the share of my father Jaskaur

Singh. The motor connection number AP12-0167L in the land, which is in the name of my grandmother Tez Kaur wife Baldev Singh. I have given all my land on share basis to Jagdish son of Likhma Ram resident of village Middu Khera, who has been irrigating my field by running this motor only, since about 3 years. The writing executed regarding giving this land on the share basis is present with me. On dated 2/5/25, my shareholder Jagdish telephoned me that the transformer and electric wire installed on our motor were stolen today by Malkit Singh son of Baldev Singh, Sukhpal Singh son of Malkit Singh resident of Middu Khera alongwith 2 unknown persons and the transformer and wire were taken on Swaraj 855 tractor trolley from the field by the 4 persons. Then I came to the spot and saw that there were no transformer and electric cables in the field. This incident of taking away was witnessed by my partner Jagdish with his own eyes. Till now our common relatives wanted to get a mutual compromise effected between us. The statement has been got recorded with you, heard it, same is correct.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, and there is an inordinate delay of nine days in the lodging of the FIR, which casts serious doubt on the prosecution's version. It is further submitted that a civil dispute is pending, in which the petitioner asserts ownership over the land in question. In this context, the allegation of theft specifically, the removal of an electric wire from the motor installed on the said property appears highly improbable and difficult to accept.

It is also pointed out by learned counsel for the petitioner that a suit for permanent injunction has been preferred by Jaskaur Singh against the petitioner, which is pending before the Civil Courts at Malout and it can be inferred that whatever the dispute is, it pertains to civil liability over the title

of property between the petitioner and the complainant, which does not warrant for any criminal liability upon the petitioner. It is on that account merely to use the present FIR is an arm twisting mode, the same has been registered against the petitioner without having any cogent material.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab. , accepts notice on behalf of respondent/State. He does not controvert the submissions made by learned counsel for the petitioner rather candidly submits that no recovery is to be effected from the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the facts that there is inordinate delay of 9 days in lodging the FIR; civil matter between the parties is going on; admittedly no cogent material has been put forth by the State to connect the petitioner with the alleged commissioning of offence; no recovery is to be effected from the petitioner added with the fact that he is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, 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. 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, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

29.05.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*