



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-41749-2025 (O&M)
DATE OF DECISION: 04.08.2025

PREM CHAND SHARMA

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sunil Kumar Sahore, Advocate for the petitioner(s).

Mr. TPS Walia, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No. 58 dated 16.03.2025 registered under Section 420 of IPC, 1860 at P.S. Dera Bassi, Mohali.

2. ContentionsOn behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the present FIR has arisen out of a contractual obligation and no criminal liability can be fastened upon the present petitioner. He further submits the petitioner has not entered into the agreement to sell with the



complainant and in fact, the complainant has misused the black papers kept as security at the time of lending money to the petitioner.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner entered into agreement to sell with the complainant dated 02.03.2024 but did not executed intentionally and rather, transferred the land in the name of his wife and later on sold the property in question to some other person. Moreso, Rs. 75 lakhs has been obtained by the petitioner, therefore, he does not deserve the concession of anticipatory bail.

3. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties the Court is of the view that the present FIR has arisen out of a contractual obligation, and the petitioner is not the person who has got the whole amount of Rs. 75 lakhs, and except bald allegations, no concrete material has been produced by the State Counsel in support of the allegations levelled against the petitioner, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.



4. Relief

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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



one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

04.08.2025

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