

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:102263



217

CRM-M-36487-2025 (O&M)

Date of Decision: 07.08.2025.

Satish Kumar

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

Mr. Sachin Sharma, Advocate and
Ms. Rakhi Sharma, Advocate for the complainant.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.5 dated 07.02.2025, under Sections 379, 427, 447, 511, 120-B of IPC, registered at Police Station NRI, District Police Commissionerate, Jalandhar.

As per prosecution case, complainant Seema Rani alleged that she has a plot measuring 20 marla situated at village Pholriwal, which was transferred by her husband in her name vide transfer deed dated 02.05.2023. After returning from Spain, complainant asked her father to look after the said plot and after some time she was informed by someone on telephone that someone was demolishing the shops constructed on the aforesaid plot. When her father visited the spot and asked the labourers, who were demolishing the shops and were taking away the debris as well as iron

shutters, they told him to talk to owner Satish Kumar (petitioner herein). The petitioner told father of the complainant that he had purchased the said plot from Balbir Singh and Amarjit Kaur and also threatened him.

Learned counsel for the petitioner contended that the petitioner had signed the sale deed as a witness on behalf of Sukhwinder Singh, the purchaser. The petitioner has been falsely implicated in the present case by the complainant, just to pressurize Sukhwinder Singh not to claim his lawful right in the plot measuring 8 marlas, which he purchased through registered sale deed dated 03.05.2024 from Balbir Singh and Amarjit Kaur. All the offences under the present FIR except offence under Section 379 IPC are bailable in nature. There is no such material on record to infer that the petitioner had committed the act of theft so as to connect him with the offence under Section 379 IPC. The property dispute is between co-accused Sukhwinder Singh and complainant Seema Rani and the petitioner has no concern with the same. He further submitted that the co-accused Sukhwinder Singh has been granted concession of interim bail by this Court, vide order dated 06.08.2025. He prayed that as custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation, the present petition be allowed.

Notice was issued in this case on 14.07.2025 and status report was called from the State, which has been filed today and the same is taken on record.

Learned State counsel opposed the present petition and submitted that the petitioner was present at the site during the demolition and he falsely claimed to be the owner of the plot and his role in execution of subsequent sale deed shows his connivance and as such he is not entitled

to the concession of anticipatory bail.

Heard.

As per the allegations, qua the petitioner, he had signed the sale deed as a witness on behalf of Sukhwinder Singh, the purchaser, who has already been granted concession of interim bail by this Court, vide order dated 06.08.2025. The civil suit filed by co-accused Sukhwinder Singh is already pending adjudication before the Court of learned Civil Judge (Jr. Divn.), Jalandhar, which is seized of the matter. The other allegation qua the petitioner regarding his presence at the spot at the time of the demolition for facilitating the illegal act of demolition, is a matter of trial. At this stage, custodial interrogation of the petitioner is not required for any purpose and nothing is to be recovered from him. So no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of his arrest, the petitioner is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

(SUKHVINDER KAUR)
JUDGE

07.08.2025.

Komal

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