



CRM-M-48199-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-48199-2024  
Date of Decision: 03.05.2025

Mukesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sangram Singh Saron, Advocate and  
Mr. M.B. Rajwade, Advocate  
for the petitioner.

Ms. Navreet Kaur Barnala, A.A.G., Punjab.

Mr. Aayush Gupta, Advocate  
for respondent No.2.

\*\*\*\*

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
94	30.07.2024	Sarabha Nagar, Police Commissionerate Ludhiana, Punjab	406, 420, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 27 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“3. That in compliance to the above noted order of this Hon'ble Court, it is respectfully submitted that complainant-Vikrant Goyal had moved an Application dated 23.07.2024 with the Commissioner of Police, Ludhiana against the petitioner and others for committing fraud and forgery with the complainant. Preliminary enquiry on the above noted Application of the complainant was conducted by the ADCP- Investigation, Ludhiana during which various were persons joined in the enquiry and their Statements were recorded Relevant documents were compiled and perused. Ultimately it was revealed that the*



CRM-M-48199-2024

*present petitioner and one Brahamdev has executed a Sale Agreement dated 21.01.2021 with the complainant to sell their land measuring 39 Kanals-03 Marlas at the rate of Rs. 99.00 Lac per acre and thereby received Cash of Rs.1.10 Crore as earnest money from the complainant in the house of one Gautam Garg. The date for execution of the sale deed was fixed as 01.12.2021. Sanjeev Kumar is the witness of the said Sale Agreement dated 21.01.2021. In this total land measuring 39 Kanals-03 Marlas, the present petitioner was having 1/2 share and the said Brahamdev had 1/4 share vide agreement from Jeet Singh and 1/4 share from Ranjodh Singh. However, rather than executing Sale Deed in favour of the complainant. the petitioner in connivance with witness of the Sale Agreement namely Sanjeev Kumar, got transferred land measuring 19 Kanals-11.1/2 Marlax from original owner Singh Jeet in favour of wife of the petitioner namely Seema Aggarwal vide sale deed bearing Wasika No.1196 dated 15.12.2021. Similarly the remaining land measuring 19 Kanals-11.1/2 marlas was got transferred by the present petitioner from the original owner in favour of said Sanjeev Kumar vide sale deed bearing Wasika No. 1195 dated 15.12.2021. In this way the petitioner in connivance with his wife Seema Aggarwal and said Sanjeev Kumar have committed fraud of Rs. 1.10 Crore with the complainant. Signature of the petitioner on the Sale Agreement, with the complainant, were got compared from a private hand writing expert Mr. Navdeep Gupta who reported that the signature of the petitioner on the sale agreement duly match with the admitted signature of the petitioner. xxx"*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*"The present petitioner is the kingpin of the entire crime and is the main conspirator and beneficiary. Infact the petitioner and said Brahamdev had purchased the above said land from original owners through Sale Agreement and thereafter they agreed to sell the said land to the PUBL the complainant but rather than getting executed 2024 complainant and thereby received Rs.1.10 Crore from Noi sale deed in favour of the complainant, the present petitioner got executed sale deeds in favour of his wife Seema Aggarwal and Sanjeev Kumar. The petitioner played active role in getting executed sale deeds in favour of his said co-accused from the original owner Jeet Singh. Thus there is sufficient documentary proof i.e. copies of sale deeds which were got executed by the petitioner rather than getting the same executed in favour of the complainant. There is also telephonic conversation of the petitioner with Gautam Garg, at whose house sale agreement was executed."*



CRM-M-48199-2024

REASONING:

7. Counsel for respondent No.2 submits that they have settled the matter with the petitioner out of Court and have no objection if bail is granted to the petitioner.

8. Given the nature of allegations coupled with the fact that parties have compromised the matter, this Court would not deny bail, however, it is clarified that this bail order shall neither be considered as a reason to quash the FIR nor shall come as hinderance in the way of the prosecution or the Court in case, there is violation of Section 216/217 BNS, 2023 (181/182 IPC earlier).

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, parties settled their dispute amicably and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading



CRM-M-48199-2024

this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

**16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

03.05.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.