

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:093594



105

CRM-M-39115-2025
Date of decision:24.07.2025

Hukam Chand

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.0089, dated 27.06.2025, under Sections 318(4), 61(2) of BNS, registered at Police Station Jaito @ Jaitu, District Faridkot.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Veerpal Kaur alleging therein that her husband Jaskaran Singh owned a tractor bearing registration No.PB-04-AD-6752 that was purchased by him after taking loan from Axis Bank. He had been making payment of the installments of loan. He died in the year 2022. Out of the insurance amount received after his death, she had made repayment of the entire loan amount and wanted to get the ownership of the tractor transferred in her name. She had discussed about the same with her

relative Paramjit Singh, who introduced her with the petitioner by saying that the petitioner was having good contacts in R.T.O. Office, Faridkot and could get the tractor transferred in her name. She met the petitioner, who had assured to get her work done. He obtained her signatures on one affidavit and several other papers. Even signatures of her parents-in-law were also procured by him on certain affidavits. However, since the tractor was still not transferred in her favour, hence she made inquiry subsequently and was shocked to know that it was transferred in the name of one Harshdeep Singh. While alleging that the petitioner and her relative Paramjit Singh connived with each other and by procuring her signatures, had fraudulently sold the vehicle to the above named Harashdeep Singh, she prayed for taking action. On her complaint, the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Faridkot vide order dated 09.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not the beneficiary of any transaction of sale/purchase of the tractor and has been falsely roped in this case on account of political rivalry in his village. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. As such, it is urged that he deserves to be extended the benefit of pre-arrest bail.

4. Notice of motion.

5. Mr. Eklavya Darshi, learned DAG, Punjab has advance notice

of the petition and is ready to argue the matter. It is submitted by him that there are specific and serious allegations against the petitioner of hatching a conspiracy with the co-accused, Paramjit Singh and in pursuance thereof, to have cheated the complainant by procuring her signatures on some affidavit and other papers and utilizing the same for the purpose of selling the tractor in question in favour of one Harshdeep Singh. It is argued that even the affidavit which was shown to be sworn by the complainant was procured on 06.05.2025 whereas the affidavit had been attested on 03.05.2025. The stamp papers were purchased from one place, but the notary had attested in a different place. It was the petitioner who had procured the signatures of the victim on these documents and hence his complicity in the crime stood fully established. He caused wrongful loss to the complainant. For conducting thorough and deeper probe into the matter, custodial interrogation of petitioner is must. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioner in connivance with the co-accused is alleged to have procured signatures of the complainant on certain affidavits and other papers and is alleged to have utilized the same for the purpose of selling the tractor owned by her husband to someone else instead of getting the same transferred in her favour. This was obviously done by him to have wrongful gain with dishonest intention to cheat the complainant. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter, his custodial interrogation is must. It is well

settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of the BNSS. Many useful information can be disinterred during custodial interrogation. Moreso, it is well settled proposition of law that powers under Section 482 of BNS are to be exercised in exceptional and extraordinary circumstances and no such circumstance has been made out in this case. Accordingly, no ground for extending benefit of pre-arrest bail to the petitioner is made out. Hence, the petition stands dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

24.07.2025

harjeet

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