



CRM-M-36744-2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

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CRM-M-36744-2025

Date of decision: 30.07.2025

Manjeet Kaur and others

...Petitioners

V/s

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Aditya Dassaur, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG Punjab with  
Ms. Dhanpreet Kaur (Commissioner of Police, Jalandhar)  
(Through VC).

Mr. Jasdeep Singh Walia, Advocate for the complainant.

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**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.77 dated 24.05.2025, registered for the offences punishable under Sections 420, 406 and 120-B of IPC at Police Station Cantt Jalandhar, District Police Commissionerate Jalandhar.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Pritam Singh, son of Mehar Singh, resident of village Alipur, District Jalandhar and owner of 09 kanals of land under cultivation for over 70 years. He alleged that his neighbor namely Kirandeep Kaur requested him to stand as a guarantor for a loan of Rs.11.00 lacs to be obtained from Trilochan Singh (petitioner No.2 herein). Owing to their long standing acquaintance, the complainant agreed. On 07.04.2021, Kirandeep



kaur, Trilochan Singh and their family members took him to the Tehsil Complex, Jalandhar, where, in connivance with a deed-writer, they obtained the thumb impressions and signatures of the complainant on multiple documents as well as copies of his jamabandi, bank passbook, Aadhar card, photograph and two blank signed cheques (Nos.683025 and 683026) from his Canara Bank account. On the same day, a sum of Rs.5.00 lacs was credited to the account of the complainant by Trilochan Singh, who informed him that Rs.6.00 lacs had been transferred to the account of Kirandeep Kaur account and instructed him to forward the amount to her. Accordingly, the complainant transferred Rs.4.00 lacs to her account the next day and handed over Rs.1.00 lac in cash. The said Kirandeep Kaur assured him that she was regularly paying interest to Trilochan Singh and would repay the loan by August 2022. Subsequently, while obtaining jamabandi papers for the visa sponsorship of his grandson, the complainant was informed by the Patwari that the mutation of his land had been transferred in the name of Manjeet Kaur (petitioner No.1 herein). Upon inquiry, the complainant discovered that the accused persons, in conspiracy, had defrauded him by fabricating a forged power of attorney dated 07.04.2021, based on which a sale-deed dated 27.08.2021 was executed. The complainant alleged that he had never executed any power of attorney nor sold his land. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioners and investigation ensued.

3. Learned counsel for the petitioners has iterated that, even if the allegations in the FIR are assumed to be true for the sake of arguments, the ingredients of Section 420 of IPC are not made out. It is well settled that for



an offence under Section 420 IPC to be established, the essential ingredients of Section 415 IPC must necessarily be satisfied, which require dishonest intention and misrepresentation from the very inception of the transaction. In the present FIR, there is not even a remote allegation that the petitioners harboured any fraudulent intention at the commencement of the transaction. Learned counsel has further submitted that the documents placed on record clearly demonstrate that the petitioners had lawfully purchased the property belonging to the complainant after paying the full sale consideration as agreed. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Furthermore, the petitioner has no connection whatsoever with the alleged offence. It has been further iterated that no specific role whatsoever has been attributed to the petitioners. Furthermore, the dispute, at best is purely civil in nature. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. Moreover, petitioners No.1 and 2 are senior citizens suffering from various ailments whereas petitioner No.3 has no role in the controversy. Lastly, it has been further argued that there is no need for custodial interrogation of the petitioners, as nothing incriminating remains to be recovered from them. Moreover, there is no likelihood of the petitioners absconding from the process of justice in case he is enlarged on pre-arrest bail as they are permanent residents of District Jalandhar. On strength of these submissions, the grant of anticipatory bail is entreated for.



4. Conversely, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the offence committed by the petitioners is serious in nature. He submits that the petitioners, in a deceitful manner, defrauded the complainant under the guise of executing loan related documents. According to learned State counsel, the complainant is over 88 years of age, illiterate and was exploited by the petitioners taking undue advantage of his vulnerability. Learned State counsel has further contended that the petitioners are moneylenders by profession and have a consistent history of engaging in similar fraudulent activities. It is further contended that the petitioners are habitual offenders, a fact evident from their involvement in multiple cases of identical nature. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioners is imperative for a fair and thorough investigation. He has further emphasized that releasing the petitioners on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence. Pursuant to order of preceding date, learned State counsel seeks to place on record the affidavit of Dhanpreet Kaur, Commissioner of Police, Police Commissionerate, Jalandhar. The same is taken on record.
5. Learned counsel for the respondent No.2-complainant has raised submission in tandem with the submission made by the learned State counsel.



6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioners. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant, who is 88 years old illiterate, alleging that under the pretext of facilitating a loan to Kirandeep Kaur, he was deceitfully induced to execute a General Power of Attorney by affixing his signatures in the presence of a deed-writer. It is further alleged that, acting on the strength of this Power of Attorney, Trilochan Singh (petitioner No.2 herein) subsequently transferred the land of the complainant in the name of his wife namely Manjeet Kaur (petitioner No.1 herein). The FIR *ibid* categorically states that out of the purported loan amount of Rs.11.00 lacs, a sum of Rs.5.00 lacs was transferred directly into the account of the complainant. No plausible explanation has been furnished as to why a portion of the loan amount was credited to the account of the complainant, who was merely a guarantor and not the beneficiary of the loan. Even the cheque numbers allegedly obtained from the complainant as security have been expressly mentioned in the FIR. Furthermore, the sale-deed reflects an amount of Rs.11.00 lacs but no documentary evidence has been produced to demonstrate that any amount was actually paid to the complainant towards the purchase of the property. Though it is true that civil litigation is already pending between the parties as the petitioners have filed a suit for possession and the complainant having instituted a suit seeking declaration of the sale-deed and Power of Attorney as null and void and the dispute may *prima facie* appear to have civil overtones but the



antecedents of the petitioners cannot be ignored. It has come on record that the petitioners (herein) have previously been involved in similar cases of serious nature. They were specifically named in the FIR No.133 dated 05.07.2023, registered under Sections 201, 380, 420, 465, 467, 468, 471, 472 and 120-B of IPC and FIR No.112 dated 18.05.2024, registered under Sections 420 and 120-B of IPC read with Section 3(1)(R) of the SC/ST Act both at Police Station Navi Baradari, Jalandhar. The allegations in the aforesaid FIR(s) bear a similar resemblance to those in the present case i.e. involving fraudulent transfer of property under the guise of extending a loan.

8. The investigation is at nascent stage and the recovery of crucial documentary evidence coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioners in the alleged offence and to defraud the complainant. The stand of the State before this Court is that the custodial interrogation of the petitioners is indispensable for the purpose of effectively recovering the siphoned amount. The nature and gravity of the offence, involving defrauding the complainant, necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioners being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. The petitioners, in a calculated and fraudulent manner, proceeded to defraud the complainant.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to



reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusation of the petitioners. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p.189, para 6)

*“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”*

10. Accordingly, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual



milieu of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for an effective investigation & to unravel the truth.

11. In view of the prevenient ratiocination, it is directed as under:

(i) The petition in hand is dismissed being devoid of merits.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(iii) The Commissioner of Police, Jalandhar is directed to file an affidavit with the Registry General of this Court within 02 months from today regarding the proceedings undertaken against the delinquent Police official(s) as mentioned in the affidavit dated 29.07.2025 filed today in the Court.

(iv) Pending application(s), if any, shall also stand disposed off.

**(SUMEET GOEL)**  
**JUDGE**

July 30, 2025

*Ajay*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No