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2025:PHHC:101026



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

**CRM-M-40437-2025
DECIDED ON: 30.07.2025**

RAJNISH KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under section 482 of BNSS, 2023 for the grant of anticipatory bail in the case/FIR No. 119, dated 25.06.2025 for offences U/s 318 (4) BNS (420 of IPC), 336 (3) of BNS (468 of IPC). 336 (4) of BNS (469 of IPC), 340 BNS 2023 and section 66 of Information Technology Act, 2000 registered at Police Station Salem Tabri, District Ludhiana (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Today one application PGD No.526413/527317 dated 10.02.2025 from Kulwinder Singh son of Shri Gurminder Singh, resident of House No. 268, Vardhman Park, Chandigarh Road, Near Fortis Hospital, Chandigarh Road, Ludhiana against Neeraj Atter, Rajnish Kaur, Yogesh Talwar and Narinder Singh @ Happy has been received through post from the office of

Commissioner of Police, Ludhiana for registration of FIR, which is as under:- To, Respected Commissioner of Police, Ludhiana subject for committing the fraud with the applicant by the accused persons on the pretext to get provide the loan. Sir it is submitted that I Kulwinder Singh son of S. Gurminder Singh is resident of House No. 268, Vardhman Park, Chandigarh Road, Near Fortis Hospital, Ludhiana. was in need of LAP loan against the property and in that regard I met to Yogesh Talwar having mobile no. 70870-82390. Who said to me that I have persons, who can provide you the loan, thereafter, he arranged my meeting with a person namely Neeraj in the office at Dana Mandi Salem Tabri, in that office his wife Rajnish Kaur was also present, who said that your CIBIL score is less and we will get provide you loan from the company of Delhi (Lest Go For Cash) and the processing fee of the same would be Rs. 3,37,630/- and thereafter, your file would come into process. They with intention to commit the fraud with me showed online site on net and thereafter after taking me into confidence took the cheque bearing no. 000101 dated 07.01.2025 of AU Bank amounting of Rs. 3,37,630/- from me and same was got honored from my account. Thereafter, they sent the valuer to my home whose name was Happy having mobile no. 99159-34599, who left after visiting my house. Thereafter, Neeraj said that your loan of Rs. 4,86,93,010 has been approved and file of the same is to be get signed by me and due to that he came to my home alongwith his wife. His wife said by coming to my home that stamp papers of Rs. 40 thousands are to be annexed with your file, you give Rs. 40,000/- and | handed over an amount of Rs. 40,000/- to his wife. They both after getting signed the file from me left the place. That thereafter, they showed me the sanction letter of loan and said to me that you also check through online, your loan has been approved. On that I saw online and letter was showing and they took the cheque no. 000112 AU Bank dated 27.01.2025 of approximately Rs. 2,35,000/- on the pretext

*of more file charge and took Rs. 3,00,000/- in cash on the pretext of their expenses and also took Rs. 9 cheques as security with that. The numbers of the same are 000102, 000103, 000104, 000106, 000107, 000108, 000109, 000110 & 000111. At that time Neeraj, his wife Rajnish and Yogesh Talwar had come their office Bahadar Ke Road, Dana Mandi and were present above the ICI Bank. That the above said in connivance of each other have committed the fraud of Rs. 9,52,630/- with me. Now I have gone to their office many times and they have not met over there and their mobile phones are also switched off and the company which was shown online Chandigarh, I visited by going to Chandigarh, that company was not in existence over there. so, it is requested to you that the above said accused in connivance of each other have committed the fraud with me, immediately legal action may be taken against the above said accused persons and my amount may be get returned. I shall be highly thankful to you. Dated 06.02.2025, yours faithfully
Kulwinder Singh Mobile 98728-92435, the inquiry of the same was conducted by the Assistant Commissioner of Police, Traffic-2 and Road Safety Ludhiana and in his inquiry report- Sir, it is submitted that with regard to the inquiry of the application mentioned in the subject, the applicant was joined into inquiry and was heard and the statement of applicant Kulwinder Singh which was written/ typed and was presented to me, the report is attached after the perusal. During the inquiry, Yogesh Talwar son of Shri Pawan Kumar resident of House No. 134, Civil City, Ludhiana has got recorded in his statement that I am the resident of above said address and do work in Piramal Finance Company for providing the loans. Today I have come with regard to the application given by Kulwinder Singh and I want to tell to you that through my some known person, I got the information with regard to the LAP Loan for applicant Kulwinder Singh and after that through my some known person, Neeraj Kumar who do the work of providing the loan, the*

information was given to provide the loan to the applicant Kulwinder Singh. Who started to talk with each other and they did not share anything with regard to the money or processing of loan with me and due to that I have come to know about the all dispute through this application given by the applicant. I want to tell to you that I gave the reference of Neeraj Atter to the applicant but no any money or any amount was received and neither the applicant shared this thing with me. Neeraj Atter has admitted of any money or any transaction with me, the video recording of the same is with me and as per the requirement, it would be presented to you. Whenever you will with regard to the applicant then I will come present. Statement has been got recorded to you, heard, it is correct. From my inquiry, after hearing both the parties and the documents which were presented, it has been found that the applicant Kulwinder Singh was in need of LAP loan against the property. In that regard, Yogesh Talwar son of Pawan Kumar arranged the meeting of the applicant with the person namely Neeraj Atter who run the business of providing the loans in the office at Dana Mandi Salem Tabri Ludhiana Where Rajnish Kaur wife of Neeraj Atter was also present who told the applicant about the processing fee of Rs.3,37,630/- for providing the loan from the Delhi company (Lets go for cash) due to having less CIBIL Score and also showed the site on net online. On that the applicant came into their confidence and on dated 07.01.2025, handed over one cheque of AU Bank of Rs. 3,37,630/- to the Neeraj Atter and his wife Rajnish Kaur, which was honored from the account of the applicant, thereafter, Neeraj Atter in order to take the applicant in his confidence, sent Narinder Singh @ Happy son of Dilbag Singh resident of Bhora to the house of the applicant for taking the documents as valuer, who after visiting the house left the place. Thereafter, Neeraj Atter son of Shri Inderjit Atter resident of House No. 4204, Street No. 8, Banda Bahadur Nagar, Near Lucky Kariyana Store,

Ludhiana came to the house of the applicant alongwith his wife with regard to the sanctioning of the loan of Rs. 4, 86,93,010/- and for getting signed the file on dated 20.01.2025 and Rajnish Kaur took Rs. 40,000/- in cash from the applicant on the pretext to annex the stamp papers of Rs. 40,000/- with file and left after getting signed the file. Thereafter, Neeraj Atter showed the letter with regard to the sanction of loan and asked to cheque the letter online and on seeing online, the letter was available. On that the applicant gained the belief and they took one cheque of Rs. 2,35,000/- AU Small Finance Bank dated 27.01.2025 from the applicant on the pretext of other file charges and 3 lacs Rupees in cash from which Rs. 2,50,000/- were given by morgaging the gold, the handwritten receipt of the same is attached and Rs. 50,000/- has been mentioned as given in cash and simultaneously 9 cheques as security number of the same are mentioned in the statement were taken. In this manner, Neeraj Atter, his wife Rajnish Kaur, Yogesh Talwar and Narinder Singh @ Happy have committed the fraud with the applicant by taking him in confidence on the pretext to provide loan by telling about the fake online bank lets go for cash and by showing with regard to sanction of online loan. If it is approved then appropriate order may be passed to the SHO Salem Tabri Ludhiana for registration of the FIR against Neeraj Atter, his wife Rajnish Kaur, Yogesh Talwar and Narinder Singh @ Happy u/s 318 (4), 336 (3), 336 (4), 340 of BNS and 66 of the IT Act. 10-Conclusion Report: As per column no. 9 & 11. Recommendation- It is recommended to register the FIR under sections 318 (4), 336 (3), 336 (4), 340 of BNS and 66 of the IT Act against Neeraj Atter, his wife Rajnish Kaur, Yogesh Talwar and Narinder Singh @ Happy and the report is sent to the Commissioner of Police, Ludhiana.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that he is neither a beneficiary of the alleged transaction nor has any amount been credited to his account. It is further submitted that, as per the prosecution's version, a sum of ₹40,000/- was allegedly paid in cash to the petitioner; however, there is no material or evidence on record to substantiate this claim. Learned counsel further submits that the petitioner is ready and willing to cooperate with the investigation and undertakes to join the same as and when required by the investigating agency.

Notice of motion.

On behalf of the State

On the asking of Court, Mr. TPS Walia, AAG Punjab, accepts notice on behalf of respondent-State. He opposes the present petition and prays for its dismissal on the ground that petitioner alongwith other co-accused persons has cheated the complainant on the pretext of getting the loan sanctioned from a private company and they have prepared one forged letter showing the sanction of loan of Rs.4,86,93,010/-. He therefore, submits that custodial interrogation of the petitioner is required.

4. **Analysis**

The facts emerging from the record of the present case disclose a deeply disturbing pattern of conduct on the part of the petitioner, which transcends the boundaries of mere involvement in a cognizable offence. The incident wherein the petitioner allegedly produced a forged judicial order

dated 10.07.2025 before the Investigating Officer to evade arrest reflects a brazen and calculated misuse of technology and the judicial process.

Upon verification, the said order was found to be entirely fabricated. The records of this Court clearly indicate that no order staying the arrest of the petitioner was passed on 10.07.2025; rather, only notice was issued to the State on that date. Moreover, several glaring discrepancies further establish the forged nature of the document: the stenographer named in the forged order is not attached to this Court; the Additional Public Prosecutor mentioned therein was not present on the said date; the UID of the undersigned judicial officer has been incorrectly stated; and notably, the language and style used in the forged order are inconsistent with the terminology ordinarily employed by this Court.

This act of deliberate and premeditated forgery, with the apparent objective of misleading the police and obstructing justice, strikes at the very core of the rule of law. The production of a forged judicial document not only constitutes a grave offence but also reveals a conscious and wilful intent to manipulate the legal system for personal gain, reflecting a mindset that is both dangerous and contemptuous of legal authority.

Additionally, it has been brought to the notice of the Court that the petitioner is a habitual offender, with his name featuring in multiple FIRs. This consistent pattern of conduct strengthens the apprehension that, if granted the discretionary relief of anticipatory bail, the petitioner may further abuse the process of law, tamper with evidence, or interfere with the ongoing investigation.

Also this Court would opine that in everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court

granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in **“State vs. Anil Sharma”; (1997) 7 SCC 187**, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded 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 material 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 needs 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.”

5. Decision

In the light of above discussions made hereinabove, this Court is of the view that custodial interrogation of the petitioner is required to unearth the full extent of the conspiracy, and the requirement of effecting recoveries in the case. Accordingly, this Court finds no merit in the present petition.

Hence, the present petition is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

**(SANDEEP MOUDGIL)
JUDGE**

30.07.2025

Meenu/Sham

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No