



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

**CRM-M-6648-2025 (O&M)  
Date of Decision : 07-04-2025**

Veena Gupta and another .....Petitioner(s)

Versus

State of Punjab .....Respondent(s)

**CRM-M-10986-2025**

Sushma Garg .....Petitioner(s)

Versus

State of Punjab .....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. P.S. Ahluwalia, Advocate and  
Mr. D.S. Virk, Advocate  
for the petitioner(s) in CRM-M-6648-2025.

Mr. Sherry K. Singla, Advocate  
for the petitioner(s) in CRM-M-10986-2025.

Mr. Aadesh Pal Singh, AAG, Punjab.

Mr. P.S. Sekhon, Advocate  
for the complainant.

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**ANOOP CHITKARA, J. (Oral)**

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
15	18.1.2025	City Sangrur, District Sangrur	420, 468, 471, 191, 193 IPC

This order shall dispose of two petitions i.e. CRM-M Nos.6648 and 10986 of 2025, as the same have arisen out of common FIR and similar facts are involved in both the petitions. However, for brevity, facts are being taken from CRM-M-6648-2025.

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

3. In paragraph 7 of the bail petition, the petitioner no.2-accused declares his criminal antecedents, as follows:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	60	26.4.2024	448, 342, 427, 506, 34 IPC	--
2.	216	21.11.2023	420 IPC	P.S. City Sangrur.

Similarly, in paragraph no.20 of CRM-M-10986-2025, the petitioner therein declares that he has no criminal antecedents.

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

“2. That pursuant to the said order, it is respectfully submitted that the brief facts of case/FIR No.15 dated 18.01.2025 u/s 420,468,471,191,193 IPC, P.S., City Sangrur are that the present FIR was registered against Veena Jain wife of Sushil Jain and Sushil Jain son of Parkash Chand Jain residents of Kothi No. 7. Rani di Kothi in front of PWD Rest House Sangrur on the basis of application No. PGD-ID-481373 submitted by Harbinder Singh Sekhon, Madanjit Singh Sekhon and Jasinder Singh Sekhon, residents of Telephone Exchange Road, Sangrur with the allegations that the applicants are residents of Telephone Exchange Road, Sangrur. The accused are also owners of a property in the above stated residential area (Telephone Exchange Road). The property of accused is just adjacent to the property of the applicants and shares a common wall with one of the applicants. The accused are intentionally and deliberately using their property for commercial purposes despite the fact that the property of the accused falls in residential area as per master plan of city of Sangrur. The illegalities committed by the accused did not stop here only and the accused in order to achieve their illegal motive have clearly and deliberately forged the site plan of their property situated at Telephone Exchange Road, Sangrur. The accused have constructed their building in complete defiance of approved site plan and when the said matter came to the notice of the applicants and the applicants raised their voices against this illegal act of the accused, then the accused in order to conceal their illegalities forged their site plan by making over writings on the same. Inquiry into the above application was conducted by the DSP, Detective, Sangrur and after conducting a deep and thorough inquiry, he submitted its report No.1590/5P/DSP(D) dated 14.01.2025 that during inquiry statements of concerned persons were recorded. Sh. Mohit Sharma, Executive Officer, Municipal Council, Sangrur presented his report No.47. JSS dated 07.01.2025 and his statement was recorded. Perusal of

statement of Sh. Mohit Sharma and report No.47/JSS dated 07.01.2025 of Sh. Sushil Kumar, Assistant Town Planner, (ATP), Sangrur it has been found that measurement of the covered area mentioned in the map is not correct and it appears the map has been tempered with. As per whose report the covered area written on the aforesaid map i.e. Basement:-1856 sq.ft. ground floor:-4020 sq.ft., Ist floor: 4020 sq.ft., Total area 9896 sq.ft, whereas, on perusal of Dimensions/sides mentioned in the map, the map's area Basement: 1856 sq.ft., ground floor: 3390sq.ft., Ist.floor 3344 sq.ft. Total area is found to be 8590 sq.ft. As per Sh. Mohit Kumar, E.O., Municipal Council, Sangrur and Sh. Sushil Kumar, Asstt. Town Planner, (ATP), Sangrur's report No.47/JSS dated 07.01.2025, it has been found that 1306 sq.ft. area is written in excess by tempering with the map. From inquiry, aforesaid Veena Jain and Sushil Jain by doing overwriting on Sukham Resort, Sangrur's map and have used it by enclosing it as Annexure P-1 in CR 4219 of 2022 in the Hon'ble Punjab and Haryana High Court and Shushma Garg wife of Prem Kumar Garg, resident of Aggarwal street N.5, H.No.05, Club road, Sangrur had also used aforesaid tempered map in the Hon'ble Punjab and Haryana High Court in CWP No.14652 of 2020 by annexing it as Annexure P-30. Upon the said inquiry report, legal opinion was sought and the Deputy District Attorney (Legal), Sangrur vide its report No.03/DA//Legal dated 17.01.2025 opined that, " I have gone through the paper under consideration along with inquiry report of DSP (D), Sangrur. In brief, as per the allegations of the complainant that accused have constructed their building in complete defiance of approved site plan and when said matter came to the notice of the applicants/complainants then they raised their voice against this illegal act of the accused, then accused in order to conceal their illegalities forged their site plan by making over writing on the same with regard to covered area of the property. Inquiry officer concluded his inquiry with the findings that offence under sections 420/468/471/191/193 IPC is made out and during investigation more facts may come out. The said opinion of Dy. D.A. (Legal), Sangrur was approved by the SSP, Sangrur on 17.01.2025 and accordingly, the present FIR was registered against above Veena Jain and Sushil Jain."

5. 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.
6. Counsel for the complainant opposes the bail and submits that as the entire floor in question was made in violation of relevant rules in connivance and involvement of some of the corrupt municipal council officials and police can find out involvement of other accused only during custodial investigation.
7. Counsel for the petitioner(s) submits that hypothetically, even if the arguments raised on behalf of the complainant are accepted, it is not a case of

custodial interrogation. He further submits that in case the petitioners are granted bail, they undertake not to carry out any construction in violation of any rules till the pendency of the present FIR. He further submits that some demolition has already been done by the authority at the spot.

8. The State's counsel opposes bail and refers to the reply. State's counsel further submits that investigation is going on in the matter.

9. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the petitioners had willingly and intentionally forged the site plan to justify their illegal construction and thereafter consciously used the same as evidence before this Hon'ble High Court, hence have committed offence of forgery and fabrication.”

REASONING:

10. Forgery relates to public documents and construction is based on such documents/map. Now, the petitioner undertakes not to carry out any construction at the site without proper approval, as such, no ground is made out to deny bail to the petitioner. 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.

11. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioners are not required in any other case, they will 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.

13. While furnishing a personal bond, the petitioners 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)	

14. This order is subject to the petitioners' complying with the following terms.

i) The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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.

ii) The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

iii) 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.

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

15. Given the contentions of the counsel for the complainant, concerned SSP is directed to constitute a Special Investigation Team (SIT) under the supervision of an officer of high integrity, which shall inquire into the role/involvement of the municipal council officials/authorities in such construction/authorization and if any offence is made out against them, in that case, to proceed against them in accordance with law.

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

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

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

07-04-2025  
AK

**(ANOOP CHITKARA)**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO