

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39624-2025
Reserved on: 15.09.2025
Pronounced on: 30.09.2025

Rashpal Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sachin Sharma, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. Abhishek Batta, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
32	22.03.2025	Cantt. Ferozepur, District Ferozepur	420 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. Per paragraph 10 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the status report dated 11.08.2025 filed by the State, which reads as follows:

“4. That the brief facts of the case are that Branch Manager, State Bank of India, Branch Jhoke Mohre moved an application bearing UID no.501712 dated 07.01.2025 to the Senior Superintendent of Police, Ferozepur, with a request to register FIR against the present petitioner Rashpal Singh and 17 other persons, alleging therein that he filed an application under Section 156(3) Cr.P.C. against the present petitioner and others and the court of Ms. Balvinder Kaur Dhaliwal, JMIC, Ferozepur, vide its Order dated 15.12.2023 directed SHO, Police Station Cantt Ferozepur to investigate the case and submit report as and when investigation is completed, but even after expiry of about four months, neither FIR was registered nor investigation was started. A request was made for registration of FIR against the petitioner and others.

6. That during enquiry, it was found that in the year 2011, the petitioner raised a loan of Rs.18,50,000/- from State Bank of

India, Branch Jhoke Mohre and as a security, land measuring 26 Kanals 17 Marlas comprised of khewat no.1772 Khatoni no.333/335 Rect no.56 killa no.3/1/1(4-0) 3/1/2(2-0) 3/2(2-0) 8(4-1) 2(7-4) Rect no.49 killa no.21/2(4-0) 22/2(3-12) situated in village Dila Ram, Tehsil and District Ferozepur, was mortgaged with the bank by Dalip Singh, father of the present petitioner vide mortgage deed dated 05.12.2011 bearing wasika no.5691 dated 5.12.2011. Mutation no.262 dated 7.12.2011 for Rs.18,50,000/- has been duly recorded in the revenue record qua the aforesaid loan. Subsequently, Dalip Singh transferred the said land in the name of the present petitioner vide mutation. no.2923 and after transfer of the land in his name, the present petitioner sold the same to Amritpal Singh, Shivraj Singh and Satnam Singh vide registered sale deed bearing wasika no.3252 dated 25.02.2019 without clearing the loan. Mutation qua the said sale bearing no.2982 has also been recorded in the revenue record. Even in the sale deed dated 25.02.2019, the present petitioner has recited in the sale deed that he will pay the outstanding amount of the loan on the aforesaid land along with interest. The petitioner infact has no right to execute the sale deed without clearing the loan of the bank. Further huge amount is still outstanding in the loan account of the present petitioner.”

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 petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

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

“7. That the petitioner joined the Investigation with the Investigating Agency on 08.08.2025 and on completion of investigation, police report will be presented before the Ld.Trial Court.

A-The evidence based on which the petitioner was arraigned as an accused.

The petitioner himself obtained loan from the State Bank of India for which the lien of the bank has also been recorded in the revenue record, but despite of the loan, he has executed the sale deed qua the land, which was mortgaged with the bank and as such committed fraud and cheating with the financial institution.

B.-The evidence against the petitioner.

There is sufficient evidence in the shape of documents ie. loan

documents executed by the present petitioner and his father including mortgage deed in favour of the bank, transfer deed executed by father of petitioner and further the sale deed executed by petitioner in favour of Amritpal Singh, Shivraj Singh and Satnam Singh

C-The role of the petitioner.

That so far as the role of the petitioner is concerned, he despite the knowledge of the fact that the bank loan is still outstanding on the mortgaged land, he has deliberately executed the sale deed, thereby committed fraud and cheating with the complainant.”

8. The mortgaged land was registered because of the vulnerabilities in the registration of sale deeds. It was the petitioner’s father who had mortgaged the property and not the petitioner. Moreover, the bank can proceed for cancellation of deed executed by petitioner or for recovery of amount of loan.

9. 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. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

11. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

12. 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 further 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

13. 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.

14. 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)	

15. This order is subject to the petitioner’s complying with the following terms.

16. The petitioner is 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 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.

17. 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.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

21. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

22. 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.

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

(ANOOP CHITKARA)
JUDGE

30.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.