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

**CRM-M-7745-2025 (O&M)  
Date of decision : 12.05.2025**

Himmat Singh ..Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Sukhpreet Kaur Grewal, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Prince Bharol, Advocate for  
Mr. Arshdeep Singh Cheema, Advocate for the  
complainant.

**MAHABIR SINGH SINDHU, J.**

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.')

has been filed for grant of pre-arrest bail to the petitioner in FIR No.0006 dated 28.01.2025, under Sections 406 and 420 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station NRI, District S.A.S. Nagar.

(2) Allegations are that petitioner in connivance with co-accused cheated *de facto* complainant while forging and fabricating agreement to sell dated 06.07.2021 with regard to the property of complainant.

(3) Learned counsel contends that petitioner was granted interim bail by the Co-ordinate Bench, vide order dated 28.02.2025 and



in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioner is not required.

(5) On the other hand, learned counsel for the complainant has opposed the prayer on the ground that petitioner had left the country without permission of the Court.

(6) *Per contra*, learned counsel for the petitioner refuted the above contention of learned counsel for the complainant on the ground that the petitioner has returned back to India and joined investigation.

(7) Heard learned Counsel for the parties and perused the paper-book.

(8) It transpires that petitioner was granted interim bail by the Co-ordinate Bench, vide order dated 28.02.2025 and the relevant part of the order reads as under:-

*“Prayer is for grant of anticipatory bail to the petitioner under Section 482 of BNSS, 2023 in criminal case having FIR No.06 dated 28.01.2025 registered under Sections 406, 420 of IPC at Police Station NRI, SAS Nagar, Mohali.*

Counsel for the petitioner *inter alia* submits that there is no dispute with regard to execution of Power of Attorney dated 01.08.2000 by complainant Karnail Singh in favour of the present petitioner Himmat Singh, who is his real brother. That as per prosecution version, alleged agreement to sell dated 06.07.2021 is ante dated and



prepared by the petitioner in collusion with his accomplices. It is further submitted that there is nothing on the record to establish the aforesaid allegations made by the prosecution against the present petitioner. The agreement to sell was rightly executed by the present petitioner in favour of Gurdeep Singh during subsistence of aforesaid Power of Attorney dated 01.08.2000 which as per prosecution was later on cancelled by Karnail Singh vide cancellation deed dated 24.05.2023. Counsel for the petitioner further submits that there was no mala fide intention on part of the present petitioner to defraud the complainant or any other person and thus the question of cheating does not arise at all on part of the petitioner. That even no case under Section 406 of IPC is made out against the present petitioner, even if the allegations made in the FIR are taken to be correct on its face value. Counsel for the petitioner further submits that petitioner, who is a senior citizen aged about 64 years and is having no criminal history is ready and willing to join investigation with the police.

Notice of motion.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and Mr. Arshdeep Singh Cheema, Advocate puts in appearance on behalf of the complainant. The State counsel as well as counsel for the complainant *inter alia* submits that the petitioner was well aware about the cancellation of Power of Attorney dated 01.08.2000 as the same was cancelled through deed dated 24.05.2023. Only thereafter the present petitioner manipulated the agreement to sell and alleged endorsement whereby time for execution of sale deed was extended, in order to cheat the complainant. It is further submitted that the petitioner also committed forgery and misappropriated the amount in question. The State counsel



further apprised the Court that the agreement to sell in question is in the custody of the petitioner and the same is required by the police for the purpose of proper investigation.

In the given facts and circumstances of the case, the petitioner is hereby directed to join investigation with the police and in case of arrest, he is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner is to abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.

Now be listed on **12.05.2025.**”

(9) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(10) The objection raised by learned counsel for complainant is not accepted for the reason that as on today, State is not asking for custodial interrogation of the petitioner.

(11) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 28.02.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

(12) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.



(13) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(14) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

**12.05.2025**

*d.gulati*

Whether speaking / reasoned :

Whether Reportable :

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

Yes                      No

Yes                      No