

2025:PHHC:074537



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

102

**CRM-M No.25417 of 2025
Date of decision: 26.05.2025**

Harjot Kaur ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amitoj Singh Dhaliwal, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of pre arrest bail in case arising out of FIR No.05 dated 21.04.2018 registered under Sections 420 and 120-B of IPC (Sections 465, 467, 468 and 471 of IPC added later on) at Police Station NRI, District Police Commissionerate Jalandhar. The previous petition as filed by the petitioner was dismissed on 21.10.2022.

2. As per the allegations, Kartar Kaur and Tarlok Singh Parwana were co-owners in possession of property known as Parwana Palace Market built on land measuring 9 Kanals 12 Marlas situated at Garha Road Station Jalandhar on the basis of a sale deed registered on 23.12.1968. Mutation qua ownership of this property was sanctioned in

2025:PHHC:074537



their names. After the death of Tarlok Singh Parwana, the complainants being his legal heirs had become co-owners of this property. Twenty six shops had been built over the same which were rented out to different tenants. On 21.04.2018 the complainants came to know that some Vishal Kakkar had been claiming ownership over this property on the basis of some forged documents and had even got mutations qua the property of the complainant sanctioned in favour of accused Som Nath, Jatinderpal Singh, Surinder Kaur, Baljit Kaur and himself by conniving with them and had even alienated the property further. As such, they prayed for taking action in the matter. Inquiry was conducted and it was revealed that the above named persons by conniving with accused Vishal Kakkar had prepared forged and fabricated documents and on the basis of the same, had got transferrerd the property of the complainant in their names with intent to usurp the same.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was also nominated as an accused. Her presence could not be secured. The investigating agency had moved application for issuance of nonailable warrants against her. The same remained unexecuted. Proceedings under Section 82 of Cr.P.C. were ordered to be initiated against her vide order dated 18.12.2019 and she was declared a proclaimed offender on 19.02.2020. As revealed from the record, the petitioner moved a petition under Section 482 of Cr.P.C. seeking quashing of order dated 19.02.2020 declaring her as a proclaimed

2025:PHHC:074537



offender. The said petition was allowed vide order dated 24.03.2021 as passed by Coordinate Bench of this Court in CRM-M-11190 of 2021 and she was directed to surrender before the Court concerned within four weeks, subject to order for grant of anticipatory bail if any passed on the petition to be filed by her under Section 438 of Cr.P.C. The petitioner then filed an application for grant of pre arrest bail before the Court of Additional Sessions Judge, Jalandhar which was dismissed by the Court of Jalandhar on 04.05.2021. Thereafter, a petition was filed by her before this Court which too was dismissed. Then she filed second bail application for grant of anticipatory bail which too was dismissed by the Court of learned Additional Sessions Judge, Jalandhar vide order dated 12.12.2024.

4. This petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. There is a change in the circumstances from the date of dismissal of her previous petition as at that time, challan had not been presented. However, after conducting investigation, now challan has been filed against the co-accused who are sons of the petitioner. Challan against other accused namely, Somnath, Jatinder Pal Bedi, Vishal Kakkar and Himmat Singh Maan has already been filed. Investigation stands completed. Her custodial interrogation is not required. No purpose would be served by detaining her. She is ready to join the investigation. No recovery is to be effected from her. As such, it is urged that she deserves

2025:PHHC:074537



to be extended benefit of pre arrest bail.

5. Per contra, learned Assistant Advocate General, Punjab has vehemently argued that there are serious allegations against the petitioner. She was even declared a proclaimed person. The order declining her as such was set aside on 24.03.2021 subject to her surrendering before the Court concerned within four weeks or to secure bail within that period. She did not surrender before the Court concerned and also did not move any application within the stipulated period. As such, she is considered to be a proclaimed person/offender till date because the order dated 24.03.2021 remained inoperative due to non surrender of the petitioner. She remained quiet for a considerable period after dismissal of the application moved by her previously. Her custodial interrogation is must for conducting proper investigation in the matter. No exceptional or extraordinary circumstance has been made out in her favour. With these assertions, it is urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. As per the allegations, the petitioner in connivance with the co-accused who are also legal heirs of her husband Harkarandev Singh had executed power of attorney qua a property which had already been sold and thereby had not only cheated the original owner but also committed the offence of forgery and use of forged documents. The allegations against the petitioner are serious in nature. She was declared a

2025:PHHC:074537



proclaimed offender. She did not move an application for grant of pre arrest bail after the period as stipulated in the order dated 24.03.2021. Her previous petition was dismissed vide order dated 21.10.2022 as passed by Coordinate Bench of this Court. Thereafter for more than two and half years, she kept quiet. This petition had been filed by her only on 06.05.2025. For the purpose of eliciting truth about the manner in which the documents were forged and then used and for conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. The well settled proposition of law is that custodial interrogation of an accused is qualitatively more elicitation oriented than questioning a suspect who is well absconded with a favourable order of anticipatory bail. The petitioner avoided joining investigation for a considerable point of time. She was even declared proclaimed person. After dismissal of her first petition, she did not bother to surrender before the Court or take recourse to any other appropriate remedy. Her act and conduct does not justify her prayer for grant of bail as an order for pre arrest bail should not operate as an inroad in the normal legal procedure of criminal cases. Pre arrest bail cannot be granted in a matter of routine. She has failed to point out any exceptional or extraordinary circumstance warranting exercise of power for the grant of pre arrest bail. As per the discussion made above, the allegations as levelled against her, the likelihood of her tampering with evidence and the attendant facts, this Court is of the opinion that no sparing circumstance for grant of pre

2025:PHHC:074537



arrest bail is made out. As such, the petition does not deserve to be allowed. Subsequently, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

(MANISHA BATRA)
JUDGE

26.05.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No