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

CRM-M-9997-2025

Decided on: 20.02.2025

Pinderjeet Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:     Mr. Nitin Narula, Advocate,  
                  for the petitioner.

                  Mr. Tarun Aggarwal, Sr. DAG, Punjab.

**Rajesh Bhardwaj, J.**

1.             Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.84, dated 17.07.2024, registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, at Police Station Sultanwind, District Police Commissionerate Amritsar.

2.             Succinctly facts of the case are that FIR in the present case was lodged by the complainants, namely, Gurpreet Kaur, Sarabjit Singh and Gurcharan Kaur. It was alleged that they were owner in possession of the land and got the boundary wall of the land and also got installed a gate. Avtar Singh in connivance with the officials of Revenue Department, Tehsildar, Halka Patwari, Kanugo by producing false witnesses i.e., Lambardar Satnam Singh, Narinder Singh and Manpreet Singh in the absence of the complainants by producing some unknown ladies, who impersonated them and got registered three sale deeds in order to harm them and for their wrongful gain. The sale deeds were alleged to be not original. Thus, request was made to cancel the sale deeds and fake Intqal and to take legal action against the culprits. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner was also found and hence, he was arrayed as an accused.



Apprehending arrest the petitioner approached the Court of learned Additional Sessions Judge, Amritsar, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 19.12.2024. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that allegations against the petitioner that he was an attesting witness to the forged sale deed, are totally without any basis. He submits that alleged amount of Rs.40 lacs was taken by co-accused Avtar Singh and not by the petitioner. He submits that there is an unexplained delay of more than three years in registering the FIR, as the alleged occurrence had taken place on 28.02.2021, whereas, the FIR was registered on 17.07.2024. He submits that the dispute, if any between the parties is of civil nature, but in order to pressurize the petitioner, the same has been given colour of criminal nature. He, thus, submits that no *prima facie* case as alleged against the petitioner is made out and hence, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has played a key role in the offence committed and it was alleged that the petitioner used to act as a property dealer to trap the innocent purchasers. He submits that he also received an amount of Rs.40 lacs as earnest money in conspiracy with the co-accused. He submits that the



petitioner is also part of the conspiracy, wherein Gurcharan Kaur was impersonated by unknown woman and sale deed was executed. He submits that the investigation is at threshold and the custodial interrogation of the petitioner and co-accused is required for resolving the mystery. He, thus, submits that no case is made out for granting the anticipatory bail to the petitioner, as the same would prejudice the on going investigation.

5. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the FIR in the present case was lodged on the basis of the complaint filed by the complainants. Specific grievance raised by the complainants that their land was sold by the accused by impersonation and forged sale deeds were executed. During the investigation, complicity of the petitioner has been *prima faice* established. It has been found that the petitioner was acting as a property dealer. There are allegations of receiving Rs.40 lacs as earnest money in conspiracy with the co-accused. Real owners were impersonated, wherein another woman was produced in place of original owner and thus, transaction had taken place on the basis of the forged record. Needless to say that the investigation is at initial stage.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

**482“Direction for grant of bail to person apprehending arrest:**

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*



2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
- (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
  - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
  - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
  - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*
7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 need 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 task of



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disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

**(RAJESH BHARDWAJ)**  
**JUDGE**

20.02.2025

sharmila

Whether Speaking/Reasoned  
Whether Reportable

: Yes/No  
: Yes/No