

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225 CRM-M-6350-2023
Date of decision: 18.07.2023

Gulshan Bhalla ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K. S. Sodhi, Advocate for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

Ms. Shivya Sehgal, Advocate for the complainant

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
193	15.08.2022	Haibowal, District Ludhiana	420, 465, 467, 468, 471, 120-B IPC, 1860

1. The petitioner apprehending arrest in the FIR captioned above, on the allegations of tampering with the sale deed, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State’s as well as counsel for the complainant counsel opposes the bail.

REASONING:

5. The complainant Pooja Verma registered the FIR against Sunita Rani, Ashok Kumar, Manmohan Kumar who in conspiracy with each other represented Sunita Rani to be the exclusive owner and in possession of property bearing plot no.108 measuring 200 sq. yd situated in Zeenath Colony, Ludhiana. The complainant was also told that it was free from all encumbrances. The deal of plot was settled at 23 lacs and sale deed was registered on 16.02.2021. After registration of sale deed, the complainant went to

her plot and one Kulwant Kaur and Iqbal Singh came to the spot and told her that they are the owner of the property and earlier also a sale deed was made in favour of one Ranjit Kaur, which is forged and fabricated. The role of the petitioner is that he has tampered with sale deed of plot no.107 and converted into sale deed of plot no.108. All these sale deeds have been executed on the basis of forged sale deed prepared by the petitioner.

6. Since the police has found sufficient evidence against the petitioner and the other co accused has not been granted bail , the petitioner does not deserve a concession of anticipatory bail. Given the nature of allegations, custodial interrogation is required. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

7. In *Jai Prakash Singh v. State of Bihar and another* (2012) 4 SCC 379, Hon'ble Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. [See *D.K. Ganesh Babu v. P.T. Manokaran* (2007) 4 SCC 434, *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain* (2008) 1 SCC 213 and *Union of India v. PadamNarain Aggarwal* (2008) 13 SCC 305].

8. In *State rep. by CBI v. Anil Sharma*, (1997) 7 SCC 187, Hon'ble Supreme Court holds,

[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 ensconded with a favourable order under Section 438 of 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 insulted 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 disinterring offences would not conduct themselves as offenders.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

18.07.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.