

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1853-2025
Reserved on: 21.04.2025
Pronounced on: 29.04.2025

Hardeep Singh Punia ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.S.Dhot, Advocate and
Mr. G.S.Mehra, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Himanshu Raj, Advocate and
Ms. Ritika Chugh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
223	14.12.2024	Talwandi Sabo, District Bathinda	420/120-B 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. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. Vide order dated 15.01.2025, interim protection was granted to the petitioner and the said order is continuing till date.
4. The facts and allegations are being taken from the translated version of FIR, Annexure P-1, which reads as follows:

“Copy of complaint no. 287, RAMA, Dated 05.10.2023, To, SSP, Bathinda. Subject Complaint for taking action against Gurnam Singh son of Mukhtiar Singh, Amarjit Kaur wife of Gurnam Singh, residents of Raaman, District Bathinda and Charanjit Kaur wife of Amrik Singh, resident of Raaman, District Bathinda, Sub-Registrar (Tehsildar) Sukhbir Kaur Boparai, Tehsildar Talwandi Sabo, District Bathinda and registration of FIR. Sir. It is humbly requested that (1) That

we, Gurdas Singh son of Harbant Singh and Kartar Kaur wife of Harbant Singh, are residents of Raaman, District Bathinda and are peace loving citizen. (2) That we are permanent residents of above said address and we are owner in possession of land measuring 20 Kanals 07 Marlas being co-sharers in total land measuring 141 Kanals 07 Marlas having 37/257 share comprising in Khewat no. 444/401, Khatauni no. 403 to 413 situated in the revenue estate of Village Raaman, Tehsil Talwandi Sabo, District Bathinda as per jamabandi for the year 2021-2022 and Chand Kaur @ Pritam Kaur D/o Bhagat Singh son of Kartar Singh is also our co-sharer, who has been died in the year 1989 in Malaysia and her legal heirs are still residing in Malaysia. Unattested copy of registry and Power of Attorney are annexed. (3) That accused Gurnam Singh had prepared a forged and bogus General Power of Attorney of dated 19.01.1998 in the name of Chand Kaur @ Pritam Kaur, which is said to be executed in Malaysia, but this General Power of Attorney is neither registered nor the same has got executed by Chand Kaur @ Pritam Kaur. The above said General Power of Attorney has been given pertaining to the property of Chand Kaur @ Pritam Kaur, whereas this General Power of Attorney is absolutely false and prepared forged and the same was not executed by Chand Kaur @ Pritam Kaur as she has been died in the year 1989 and this fact is in knowledge of all the co-sharers and Gurnam Singh claiming himself to be General Power of Attorney holder of Chand Kaur. This General Power of Attorney prepared through Notary Public and on the basis of this false General Power of Attorney, the above said accused Gurnam Singh has registered a sale deed no. 2252, Dated 17.09.2021 in the name of his wife Amarjit Kaur and in the name of his brother's wife namely Charanjit Kaur pertaining to land measuring 20 Kanals 19.66 Marlas owned and possessed by Chand Kaur @ Pritam Kaur. (4) That the above said General Power of Attorney neither registered from any authority of Malaysia and nor the above said General Power of Attorney is registered as per the rules of Government of India and nor any appropriate authority of India has given any recognition, due to which the above said General Power of Attorney could not be supposed to be valid and accused Tehsildar (Sub-Registrar), Talwandi Sabo, without making any inquiry pertaining to the above said General Power of Attorney, has registered the above said sale deed in favour of accused persons as the General Power of Attorney was not registered here and inquiry was required to be conducted by Registrar Talwandi Sabo regarding the above said General Power of Attorney from Government of Malaysia at his own level, but Tehsildar, Talwandi Sabo in conspiracy with other accused persons without making any inquiry. registered the above said sale deeds and grabbed our share. Whereas, the above said General Power of Attorney is 22 years old and Tehsildar Talwanti Sabo did not make any inquiry from any authority of

Malaysia regarding the genuineness of the above said General Power of Attorney and nor tried to make video conference with Chand Kaur @ Pritam Kaur or her any legal heirs, whereas on the basis of one false General Power of Attorney, Tehsildar Talwandi Sabo in conspiracy with other accused persons registered the sale deed without accreditation and certification of the same and in the above said sale deed, forgery can be known from the fact that the above said sale deed has been registered without any money exchange, at the time of registration of sale deed, no conversation was done regarding giving any money to Chand Kaur @ Pritam Kaur and amount of Rs. 30,35,000/- has been reduced regarding giving money to the seller at her house, whereas the sale deed has registered in the name of wife of Gurnam Singh himself and in the name of his brother's wife, then who had received the money in the house, which clearly reveals the fraud of all the accused persons. (5) That apart from it, despite having joint share, the accused persons have mentioned specific numbers in the sale deed, whereas partition between all the co-sharers has not been effected and above said Chand Kaur @ Pritam Kaur had not owned any specific number and nor any legal heir of her had owned any specific number on behalf of Chand Kaur @ Pritam Kaur. The accused persons mentioned the specific numbers in the sale deed with intent that the National Highway Authority of India of Government of India for acquiring the land had issued notification for construction of road and some portion of Khewat no. 444/401 situated at Raaman has been acquired for above said road. The accused persons have intentionally mentioned the specific numbers without getting the same partitioned so that the compensation provided by the Government of India could have received only to the accused persons, but despite having joint shares, the compensation provided by the Government of India, all the co-sharers was having equal right over the said compensation as the share is joint and now the accused are waiting to get the compensation from the Government of India. The girdawris of the numbers acquired by National Highways Authority of India was not in the name of Chand Kaur @ Pritam Kaur as she was having possession over other numbers, whereas the applicants are having possession over the acquired numbers almost since last 60 years. Therefore, it is requested that the inquiry of the matter may be got conducted from any appropriate impartial officer and strict legal action under the sections chargeable may be taken against accused persons for committing fraud, betrayed, preparing fake and forged documents and for using the same in original manner and justice may got be delivered to us and our rights may got be delivered to us. It would be very thankful to you. Applicant Sd/- Gurdas Singh son of Harbans Singh, mobile no. 98142-XXXXX, R.T.I. of Kartar Kaur wife of Harbans Singh. residents of Raaman, District Bathinda, Mobile no. 94644-XXXX, Dated 05.10.2023.”

5. 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.

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:

“B. The evidence against the petitioner.

It is submitted that the sale deed in question, which was prepared and attested by accused/petitioner Gurdeep Singh Punia alias Hardeep Singh Punia in connivance with other accused persons and presented for the registration of sale deed, which was ultimately was registered in favour of accused persons.

C The role of the petitioner.

It is submitted that the accused/petitioner Gurdeep Singh Punia alias Hardeep Singh Punia in connivance with other accused persons had prepared and attested the sale deed in question and presented for the registration of same, which was ultimately was registered in favour of accused persons.”

8. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order.

9. Petitioner is an Advocate and in such capacity, he scribe the sale deed and he is not beneficiary at all, as such, he is entitled to bail.

10. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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.

11. 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 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.

12. 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.

13. 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)	

14. This order is subject to the petitioner's complying with the following terms.

15. 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.

16. 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.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

29.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.