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

CRM-M-4285-2025

Decided on: 27.01.2025

Guramardeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Gagandeep Singh Bajwa, 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 Amritsar City.

2. Succinctly facts of the case are that FIR was lodged on the statement of Gurpreet Kaur, Sarabjit Singh and Gurcharan Kaur. It was alleged that they were owner in possession of plot measuring 1281 square yards situated at Sultanwind. They had constructed boundary walls around the plot and installed iron gate, however, three fake sale deeds were registered regarding the said plot by Avtar Singh in connivance with officials of Revenue Department. False witnesses were produced and they were impersonated by the accused persons. It was further alleged that the fake sale deeds were prepared in their absence though they never sold their plot. The possession of the plot is with them only, however, by way of execution of forged sale deeds the offence was committed. Thus, request was made that fake sale deeds and fake mutations be cancelled and strict



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action be taken against the culprits and the officials involved. On the registration of the FIR, the investigation commenced. The complicity of the petitioner surfaced during the investigation and thus, 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 14.01.2025. Hence, 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 the alleged occurrence had taken place on 28.02.2021, whereas, the FIR was registered on 17.07.2024 i.e. after more than three years. He submits that neither the petitioner is the attesting witness to the sale deeds nor he received any money from the complainant. He has submitted that the petitioner has been arrayed as an accused in the present case only on the basis of the disclosure statement of co-accused, which is not an admissible evidence. It is submitted that the case is based on the documentary evidence and there is no evidence regarding the complicity of the petitioner. He, thus, submits that no *prima facie* case is made out against the petitioner and hence, he deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has played a key role in committing offence of forgery and impersonation as alleged by the complainant. It is submitted that the investigation would be



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adversely effected, if the petitioner is granted anticipatory bail at this stage. He thus, submits that the petitioner does not deserve the grant of anticipatory bail.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that during the investigation, it has been found that co-accused Avtar Singh has suffered a disclosure statement having received a sum of Rs.40 lacs from Yash Pal Sharma through property dealer Pinderjit Singh. This amount was given to the petitioner. The petitioner had allegedly arranged the attesting witness as well. Thus, complicity of the petitioner alongwith the co-accused was found. Three fake sale deeds were alleged to be found in possession of the petitioner. The investigation is at the threshold and to unravel the truth the custodial interrogation of the petitioner is necessary. The nature of the offence is serious.

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,*



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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 disintering 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 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.

27.01.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No