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

CRM-M-4542-2025

Decided on: 28.01.2025

Paramjot Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Manpreet Ghuman, 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.10 dated 02.05.2022, registered under Sections 255, 420, 465, 467, 471, 120-B IPC, at Police Station NRI, District Ludhiana.

2. Succinctly facts of the case are that FIR in the present case was lodged on the application moved by Daljit Singh son of Harminder Singh. It was alleged by the complainant that he is an NRI and his father had purchased a plot measuring 310 square yards vide sale deed 03.06.1969. The complainant alongwith his family is residing abroad and thus, in his absence the property dealer i.e. co-accused Jasmit Singh @ Golu, Jassa Singh and Indresh Jain got prepared a forged sale deed dated 20.09.1968. Forged power of attorney was made and sale deed was executed in favour of co-accused Indresh Jain on 22.10.2021. He, thus, found that his ancestral property has been usurped by the accused persons. On filing the complaint, initial enquiry was conducted and *prima facie* allegations made were found to have been substantiated. Thus, the FIR was registered and complicity of



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the petitioner surfaced during the investigation and he was arrayed as an accused. Apprehending arrest the petitioner approached the Court of learned Additional Sessions Judge, Ludhiana, 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 16.01.2025. Hence, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that neither the petitioner is named in the FIR nor any offence has been committed by him, thus, he has been falsely implicated in the present case. She submits that the petitioner has no criminal antecedents and he is ready to join the investigation. She, thus, submits that there being no *prima facie* case having been made out against the petitioner, 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 all the accused in conspiracy with each other have committed forgery and thus, usurped the property of the complainant. It is submitted that the investigation would be 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 as per allegations, the complainant never executed any sale deed, but the petitioner and co-accused have forged the sale deed of the property. Sale consideration was also transferred in the



account of the petitioner on 02.11.2021. The forgery of power of attorneys and sale deed has been found in the present case during the preliminary enquiry. The investigation is at threshold.

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 ensconded 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 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 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.

28.01.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No