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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.10617 of 2025
Date of decision: 20.03.2025

Sukhdev Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lupil Gupta, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Karandeep Singh Sidhu, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
10	30.01.2025	City Zira, District Ferozepur	319(2), 318(4), 338, 336(3), 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis

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of a complaint lodged by the complainant Bogha Singh alleging therein that he was interested to buy some chunk of land and had approached the co-accused Satpal Singh who is a property dealer by profession, in the month of August 2024 for this purpose. The accused Satpal Singh had subsequently called him for effecting deal qua purchase of some property. On 30.09.2024, the complainant along with his son Jaswinder had gone to the office of the accused Satpal Singh wherein he along with the present petitioner Sukhdev Singh and co-accused Satnam Singh was found present. They introduced the complainant with a female sitting therein as Rupinder Kaur wife of Inderjit Singh, resident of Village Balkhandi and representing to him that the said Rupinder Kaur owned 68 Kanal 1 Malra of land in the area of Village Attari and interested to sell the same. The accused Satpal Singh got effected a deal of purchase of land of the said Rupinder Kaur. The sale consideration amount was agreed to be paid @ Rs.30,25,000/- per acre. On asking of the petitioner and the co-accused Satpal Singh and Satnam Singh, the complainant gave a sum of Rs.20 lakhs in cash on 04.10.2024 to the aforementioned Rupinder Kaur and cheque for an amount of Rs.9,50,000/- was given to her by way of earnest money. A written agreement to sell was executed on the same day which was signed by the petitioner, co-accused Satpal Singh and Satnam Singh as well as by the female who claimed herself to be Rupinder Kaur. Prior to the registration of the sale deed, the

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complainant came to know that a fraud was being played upon him and the petitioner as well as the co-accused by impersonating some other female as Rupinder Kaur had duped him of aforementioned amount of money and infact the original Rupinder Kaur was not interested to sell her property. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Sessions Judge, Ferozepur vide order dated 14.02.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is only an attesting witness to the agreement to sell executed between the complainant and Rupinder Kaur and had no other role to play. No money has been received by him from the complainant. The complainant was having direct dealings with the abovesaid Rupinder Kaur and he had made inquiries with regard to her ownership at his own level. At the time of signing the agreement, the petitioner was totally unaware as to the identity of Rupinder Kaur since the complainant had directly dealt with her. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be released on bail.

4. Status report has already been filed by the respondent-State.

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Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that the petitioner along with the co-accused Satpal Singh and Satnam Singh had hatched a conspiracy and by impersonating Rupinder Kaur resident of Village alkhandi, had induced the complainant to enter into an agreement with some imposter female and had further made him to part with a sum of Rs.20 lakhs in cash and Rs.9,50,000/- through cheque. It was the petitioner himself who has returned cheque of Rs.9,50,000/- to the complainant after few days of the execution of the agreement which proved that he was well aware about the fact that the vendor Rupinder Kaur had been impersonated. His custodial interrogation is required to trace out the imposter female as well as for thorough investigation in the matter. No extraordinary and exceptional circumstance for grant of pre arrest bail is made out. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have connived with the co-accused and in pursuance of a conspiracy hatched with them is alleged to have induced the complainant to part with a sum of Rs.20 lakhs in cash and cheque amount of Rs.9,50,000/-. He had actively participated in execution of agreement by the complainant and is even shown to have attested the said agreement as an attesting witness. His photograph along

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with the co-accused was taken at the time of execution of agreement. Since he is to be considered as a witness to identification of the above named Rupinder Kaur, therefore, it cannot be stated at this stage that he was not aware about the fact that the female who had executed an agreement was not the real Rupinder Kaur. The allegations against the petitioner are serious in nature. The case is at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.03.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No