



254(A) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28612-2023
Date of Decision: 01.08.2025

SATINDER BAWEJA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Hitesh Chopra, Advocate and
Mr. Amit Kumar, Advocate for the petitioner.

Mr. J.S.Thind, DAG, Punjab.

Mr. Akshay Kumar Jindal, Advocate with
Mr. Yashvardhan Goyal, Advocate
for respondent No.2.

Mr. Akhilesh Vyas, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
170	10.09.2022	Ranjit Avenue, District Amritsar	420, 120-B of IPC

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 438 Cr.P.C., seeking anticipatory bail in the year 2023.
2. Per paragraph 11 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“ 3. That it is submitted that registration of the aforesaid case FIR No. 170/2022 (supra) is a consequence of the detailed enquiry conducted by the deponent qua application bearing UID No. 2374050 dated 17.6.2022 given by the Complainant Kanwaljit Singh in the office of the Commissioner of Police, Amritsar against



officials of M/s Citi Financial Consumer Finance India Limited, officers of Kotak Mahindra Bank, Satinder Baweja (present petitioner), Kanwar Daleep Singh, Prabhjot Singh, Maneet Kaur Baweja and Tarnajot Singh Baweja, wherein it was alleged that Kanwaljit Singh had purchased one kothi no. 2315-C block, Ranjit Avenue, Amritsar from Kanwar Daleep Singh Baweja in 2019. As per the sale deed executed in favour of his son, there was no loan against the above said property, but now in the month of April 2022, the officials of Kotak Mahindra Bank came and told the complainant that there was a loan against the above said property since 2010 and case was also pending in the Learned Court of DRT at Chandigarh Court. Thereupon, the complainant enquired and came to know that Kanwar Daleep Singh Baweja and his family members had availed a loan of about Rs. 60 lakhs against the above said property from Citi Finance Company, but the entry of the loan was not made in Revenue record. Therefore, the above said persons sold their kothi while declaring it to be free from any encumbrance. Therefore, the complainant had demanded legal action against the above said persons. The aforementioned application bearing UID No. 2374050 dated 17.6.2022 and application bearing No. 1246-COP dated 5.8.2022 given by Kanwaljit Singh were entrusted to the ACP North by the Commissioner of Police, Amritsar. A detailed enquiry was conducted in a fair and impartial manner from all the concerned persons.

4. That it is submitted that on the basis of the enquiry conducted, it was revealed that the present petitioner Satinder Baweja and her family members Prabhjot Singh Baweja and Kanwar Daleep Singh Baweja had availed a loan of Rs. 59,25,000/- against the above said property from Citi Finance Company after having obtaining 'No Objection Certificate' from Amritsar Improvement Trust twice vide letter bearing No. AIT/S.S/10861 Amritsar dated 11.01.2008 and vide No. AIT/2359 dated 31.03.2010. In the meanwhile CITT Finance Bank had given two letters to Amritsar Improvement Trust, Amritsar for change of Lien of the property, which were received vide diary No. 5894 dated 15.01.2008 and AIT/2359 dated 31.3.2010 by the Amritsar Improvement Trust, Amritsar. During the course of enquiry, the Amritsar Improvement Trust was written by the deponent for providing the record relating to the aforesaid correspondence, but it was not provided while informing that the file of the property in question i.e. kothi No. 2315, block-C, Ranjit Avenue, Amritsar is with Vigilance Department in connection with FIR No. 07, dated 19.6.2022, PS Vigilance Bureau, Amritsar. Thereafter, the the present petitioner Satinder Baweja and her family members Prabhjöt Singh Baweja and Kunwar Daleep Singh Baweja had become defaulters in the loan account and an appeal was pending qua the same before



Ld. D.R.T. Chandigarh, but there was no entry in Revenue record qua the loan. Therefore, while taking undue benefit thereof, the present petitioner Satinder Baweja and her family members Prabhjot Singh Baweja and Kanwar Daleep Singh Baweja after entering into a conspiracy sold the above said property to Kanwaljit Singh without disclosing status of the loan and appeal pending before Ld. DRT Chandigarh and committed fraud with Kanwajit Singh. Thereafter, the deponent submitted his detailed enquiry report dated 13.8.2022 to the Commissioner of Police, Amritsar, wherein recommendation was made for registration of an FIR under Section 420/120B IPC against the the present petitioner Satinder Baweja and her family members Prabhjot Singh Baweja and Kanwar Daleep Singh Baweja and it was also recommended that if during investigation of the case any other person or official/officer of Improvement Trust or bank is found involved then he may also be nominated as accused in this case.”

4. 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. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to the reply.

6. Counsel for the complainant and respondent No.2 oppose bail.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“6. That it is pertinent to further submit here that Kotal Mahindera Bank had also given an application bearing No. 188-PC/COP dated 14.07.2022 in the office of the Commissioner of Police, Amritsar with respect to the same matter against Kanwar Daleep Singh, Prabhjot Baweja, Kanwaljit Singh Chawla, Sunny Chawla and concerned officials of Amritsar Improvement Trust in the office of Commissioner of Police, Amritsar, which was entrusted to the Assistant Commissioner of Police, Financial Crime, Amritsar, who also completed the enquiry and submitted her detailed enquiry report dated 6.12.2022 to the Commissioner of Police, Amritsar, wherein she has reached to the conclusion



that the aforesaid FIR No. 170/2022 (supra) has been registered after conducting an enquiry qua the application UID No. 2374050 dated 17.06.2022 of the complainant Kanwaljit Singh and during enquiry thereof the officers of Kotak Mahindra Bank had also joined in the enquiry. The Assistant Commissioner of Police, Financial Crime, Amritsar has also reached to the conclusion that the present petitioner Satinder Baweja and her family members Prabhot Baweja and Kanwar Daleep Singh Baweja while further selling the property in question without permission of Kotak Mahindra Bank have committed cheating with the bank. Therefore, the Assistant Commissioner of Police, Financial Crime, Amritsar had recommended for taking legal action against present petitioner Satinder Baweja and Prabhot Baweja and Kanwar Daleep Singh Baweja after taking legal opinion.”

REASONING:

8. FIR was registered in the month of September, 2022. Till 16.12.2024, petitioner was not arrested even though no protection was granted to her from this Court. Case of the prosecution is based on documentary evidence i.e. revenue record as well as ledger of account which can be collected without custodial interrogation. The petitioner is aged about 78 years and no useful purpose would be served by detaining the petitioner behind the bars. There is sufficient evidence to connect the petitioner with the crime. However, it is not a case for custodial interrogation, keeping in view the nature of the evidence and petitioner's age. Pre-trial incarceration should not be a replica of post-conviction sentencing. An analysis of the evidence does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, age of petitioner 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.

10. 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.

11. 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)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation 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.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. 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.

16. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority



to cancel this bail, and as per their discretion, they may 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

01.08.2025

Priyanka Thakur

Whether speaking/reasoned:	Yes
Whether reportable:	No.