

CRM-M-26236-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26236-2025
Reserved on: 08.09.2025
Pronounced on: 24.09.2025

Kashmir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Kalra, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, AAG, Punjab.

Mr. Amit Dhawan, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
05	08.01.2025	Jamalpur, Ludhiana	420, 465, 467, 468, 471 & 120B IPC (201 IPC was added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 8 of the bail petition, custody certificate dated 05.09.2025 as well as reply filed by the State, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	155	11.06.2018	419/420/465/467/468/471/120B IPC	Division 6, Industrial Area Ludhiana
2	91	09.10.2013	419-420-467-468-471-120B IPC	Majitha
3	137	30.07.2015	406 & 420 IPC	Division No.4
4	179	26.12.2016	120B, 420, 467, 468, 471 IPC	Machiwara
5	32	17.02.2018	474-A IPC	Machhiwara, Police District Khanna

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“..... the applicant Rajni Verma, resident of House No. 5226, Street No. 01, Maharana Pratap Nagar, Ludhiana, had levelled allegations against

(i) Kashmir Singh S/o Karnail Singh, (ii) Amrit Singh S/o Kashmir Singh, both residents of House No. 171, Block A-1, near Peer Dargah, Bhamia Kalan, Ludhiana, (iii) Dr. Nirmal Singh, resident near Government School, Mundian Kalan, Ludhiana, and (iv) Sukhwinder Kaur W/o Mewa Singh S/o Jethu Ram, resident of Amar Vihar Colony, Tajpur Road, Ludhiana. The allegations pertained to a plot measuring 70 square yards situated at Bhamia Kalan, Shanti Vihar locality, more specifically described in Khasra No. 39//22/1, Khata No. 429/496, Page No. 871, Jarnabandi for the year 2008-2009, Hadbast No. 181, near Darshan Academy School, Ludhiana. The complainant alleged that the respondents executed an agreement to sell the aforesaid plot in her favour, received Rs. 2,50,000/- as earnest money, but failed to execute the sale deed.

5. That during inquiry, both parties were called, heard, and relevant statements/documents were obtained. The record established that the applicant Rajni Verma had entered into an agreement with Kashmir Singh for purchase of the aforesaid plot for a total consideration of Rs. 4,00,000/-. Kashmir Singh had represented himself to be the lawful attorney holder on the strength of a Special Power of Attorney bearing Vasika No. 2019-20/106/4/378 dated 29.10.2019, allegedly executed by Sukhwinder Kaur. However, in her statement, Sukhwinder Kaur, in the presence of her husband Mewa Singh, categorically denied execution of any such Power of Attorney. Kashmir Singh himself, in his statement, admitted that Mewa Singh had merely entrusted the supervision of the property to him, and that he had not purchased the Special Power of Attorney.

6. That upon verification, a written query was addressed to the Sub-Registrar, East Ludhiana, regarding the authenticity of the aforesaid Special Power of Attorney. The Sub-Registrar reported that the said document did not tally with official records, thereby establishing that the Power of Attorney was forged. On the basis of this forged document, Kashmir Singh executed an agreement to sell the plot in favour of the applicant. It was further revealed that payments of Rs. 10,000/- (via Google Pay on 21.08.2023), Rs. 1,90,000/- (in cash on 23.08.2023), and Rs. 50,000/- (transferred to the account of Dr. Nirmal Singh on 04.10.2023) had been made by the applicant. The applicant alleged that the transaction was finalized at the clinic of Dr. Nirmal Singh; however, Dr. Nirmal Singh denied this in his statement. Kashmir Singh, on the other hand, admitted that Nirmal Singh was his business partner and that out of the total amount of Rs. 2,50,000/- received, a sum of Rs. 1,00,000/- was received by Dr. Nirmal Singh. The date for execution of sale deed was fixed as 23.11.2023, but no sale deed was executed.

7. That during further inquiry, it transpired that the said property was already the subject matter of litigation filed by one Maqbool S/o Muhammad Yusuf before the competent Court. On account of this pendency, the sale deed could not be executed. A Panchayati settlement was thereafter arrived at, under which Kashmir Singh undertook to refund double the earnest money. Accordingly, a cheque bearing No. 00069 dated 03.02.2024 for Rs. 5,00,000/- drawn on HDFC Bank was issued by Kashmir Singh in favour of the applicant. The said cheque was dishonoured due to insufficiency of funds, leading the applicant to initiate

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proceedings under Section 138 of the Negotiable Instruments Act, which are presently pending adjudication.

8. That the inquiry further revealed that the property was also subject pending civil case titled Comi/241/2020 instituted by Maqbool against Mewa Singh. Thus, Kashmir Singh, without having any ownership rights, executed the agreement on the strength of a forged Special Power of Attorney, received earnest money of Rs. 2,50,000/- and misappropriated the same. Therefore, offences under Sections 420, 465, 467, 468, 471 and 120-B IPC were found to be made out against Kashmir Singh and Dr. Nirmal Singh.

9. That in view of the above, the Additional Deputy Commissioner of Police (Investigation), Ludhiana, submitted his report dated 29.11.2024 to the Commissioner of Police, Ludhiana, who thereafter directed SHO, Police Station Jamalpur, Ludhiana, to register the FIR.

10. That accordingly, FIR No. 05 dated 08.01.2025 under Sections 420, 465, 467, 468, 471 and 120-B IPC was registered against Kashmir Singh and Dr. Nirmal Singh at Police Station Jamalpur, District Ludhiana, and investigation was set into motion.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel 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.

6. The State's as well as counsel for the complainant oppose the bail and refers to the reply.

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

“The role of the petitioner

*Petitioner fraudulently represented himself as the Special Power of Attorney holder of the property owner i.e. Sukhwinder Kaur and executed the agreement to sell the plot with the complainant, thereby inducing her to part with substantial sums of money. He collected earnest money of *2,50,000/, of which part was transferred to his co-accused, and later issued a cheque of 25,00,000/- which was dishonoured. Petitioner not only fabricated and relied upon a forged Power of Attorney but also destroyed the said document. His conduct demonstrates deliberate cheating,*

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misappropriation of the earnest money, and active connivance with co-accused Dr. Nirmal Singh.”

REASONING:

8. Allegations against the petitioner are of fraudulently represent himself as Special Power of Attorney holder of property owner i.e. Sukhwinder Kaur and executed the agreement to sell the plot with the complainant.

9. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

10. Per the custody certificate dated 05.09.2025, the petitioner's total custody in this FIR is 07 months & 04 days.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

12. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

²Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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13. 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.

14. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

16. 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)	

17. This order is subject to the petitioner’s complying with the following terms.
18. 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.
19. 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.

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20. 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.

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

22. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

24.09.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.