

**CRM-31799-2025 and
CRM-29022-2025 in/and
CRM-M No.27686 of 2025**

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

101+208

**CRM-31799-2025 and
CRM-29022-2025 in/and
CRM-M No.27686 of 2025
Date of decision: 20.08.2025**

Ved Parkash Mittal

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Himanshu Raj, Advocate,
for the applicant-petitioner in CRM-29022-2025.

Mr. Shubham Mangla, APP, UT, Chandigarh.

Mr. Harsh Aggarwal, Advocate,
for the applicant-complainant in CRM-31799-2025.

MANISHA BATRA, J. (Oral)

CRM-31799-2025

The application is allowed and the statement of Balbir Kaur is
taken on record.

CRM-29022-2025

The application is allowed and the documents annexed with the
application are ordered to be placed on record.

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Main Case

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
188	30.11.2021	Central Sector 17, District Chandigarh	419, 420, 465, 467, 468, 471 and 120-B of IPC

2. The aforementioned FIR has been registered on the basis of complaint lodged by Ashok Kumar Mittal son of the present petitioner alleging that in July 1994, he had purchased a house owned by one Surinder Singh, resident of Chandigarh, for a sum of Rs.3 lakhs. The entire sale consideration amount had been paid by him to the abovesaid Surinder Singh. A GPA/full and final agreement was executed in his favour. The abovesaid Surinder Singh had left for Japan. In the year 2003, the petitioner told the complainant that Surinder Singh had come back to India but he wanted to get the GPA/full and final agreement cancelled and was no more willing to sell the house at the agreed price. The petitioner also represented to the complainant that a new GPA was executed by Surinder Singh in his favour. The complainant believed his father. At that time, he was in possession of ground floor of the abovesaid house. He entered into a rent agreement qua that portion with

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his father. Subsequently, some dispute had arisen qua the possession of ground floor of that house between him and his sister-in-law Sushma Mittal and then he came to know that his father in connivance with Ashok Kumar and Virander Singh had prepared a false and fabricated GPA dated 18.11.2003 purported to be that of Surinder Singh and on the basis of the said GPA, the house in question was sold to his sister-in-law Sushma Mittal to cause wrongful loss to the complainant. By alleging that the petitioner had committed forgery by preparing false and forged GPA of Surinder Singh who was in Japan at the time of execution thereof and duped him, he prayed for taking action in the matter.

3. 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 had been dismissed by the Court of learned Additional Sessions Judge, Chandigarh vide order dated 01.05.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute between the parties is totally civil in nature which has been given a criminal colour. The complainant has no locus to lodge complaint against the petitioner. No document whatsoever has been executed by Surinder Singh in favour of the complainant. A compromise has been arrived at between the

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complainant and Sushma Mittal who is beneficiary of the transaction. The FIR has been lodged after a gap of more than 11 years from the date of execution of GPA. The petitioner is a 82 year old ailing person. His pre trial incarceration would not serve any purpose. The FIR has been lodged only to blackmail him and to extort money. The case is based on documentary evidence. His custodial interrogation is not required. He is ready to join investigation. It is, therefore, urged that he deserves to be extended benefit of pre arrest bail.

5. Status report by respondent No.1-UT, Chandigarh and reply by the complainant have been filed. It is argued by learned APP, UT, Chandigarh assisted by learned counsel for the complainant that there are serious allegations against the petitioner. His custodial interrogation is required for conducting thorough and proper investigation in the matter. The allegations prima facie make out a case for commission of offences of cheating and forgery against the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have prepared a forged and fabricated GPA purported to be executed by Surinder Singh, the original owner of House No.1445, Sector 22-B, Chandigarh in his favour and on the basis of the said GPA is further alleged to have got executed GPA

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dated 22.09.2004 of the abovementioned house in favour of his son Mukesh Mittal who sold the same to Sushma Mittal, sister-in-law of the complainant. The case of the complainant is that infact an agreement to sell/GPA qua the same property had previously been executed by the abovesaid Surinder Singh in his favour in July 1994 but by making false representation to him and to cause wrongful loss to him, the petitioner prepared a forged and fabricated document. The complainant has, however, not been able to place on record any GPA/full and final agreement to sell the abovestated house in his favour. The parties are members of the same family and civil litigation is pending against them. The case is based on documentary evidence and such documents are already in possession of the investigating agency. The complainant has placed on record copies of statements recorded by the original owner Surinder Singh as well as his wife to show that at the time when GPA was executed in favour of the petitioner, Surinder Singh was not in India and his signatures were forged. However, this disputed question of fact cannot be gone into at this stage and has to be decided by the learned trial Court on thorough assessment of the evidence to be produced during trial. It is well settled that pre trial incarceration should not be a replica of post conviction sentencing. Considering the peculiar facts and circumstances but without meaning to make any comment on the merits

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of the case, this Court is of the considered opinion that the custodial interrogation or pre trial incarceration of the petitioner would be of no justification and a case for pre arrest bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and joining investigation and as and when subsequently required thereafter and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) He 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/her from disclosing such facts to the Court or to any Police Officer.
- (ii) He shall not leave the country without prior permission of the Court.
- (iii) He shall deposit his passport if any, with the jurisdiction Magistrate/trial Court.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for

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cancellation, if any, and pass appropriate orders in accordance with law.

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

20.08.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No