



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

CRM-M-30453-2024

Date of decision: 30th April, 2025

Kala Khan @ Raju

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Sidhi Bansal, Advocate for
Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Tanvir S. Grewal, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of Cr.P.C. in case FIR No.53 dated 20.03.2024 under Sections 406, 420, 465, 467, 468, 471, 120-B of the IPC registered at Police Station Sadar Khanna, District Khanna.

2. The gravamen of the allegations against the petitioner is that he, in connivance with the co-accused, is alleged to have embezzled a sum of ₹ 7.00 lakh by inducing the complainant to enter into a forged and fabricated agreement to sell.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case, and asserts that the petitioner is neither a signatory to the alleged agreement to sell nor to

any compromised deed as referred to by the complainant. It is contended that the allegations are manifestly false and delay of nearly 6 years in lodging the FIR, despite the incident allegedly having occurred on 17.10.2018, casts serious doubt on the veracity of the case of the prosecution. It is further submitted that the petitioner is ready and willing to join the investigation and cooperate fully with the investigating agency and therefore, seeks indulgence of anticipatory bail.

4. Short reply by way of an affidavit of Karamvir Singh (PPS), DSP CAWC Khanna, Police District Khanna has been filed by the State.

5. Per contra learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer for anticipatory bail. It is submitted that the petitioner is specifically named in the FIR (Annexure P-1) and is alleged to have actively connived with co-accused in preparing forged documents to induce the complainant into a fraudulent transaction. It is further submitted that the petitioner has a criminal history and is involved in multiple cases of similar nature, indicating a pattern of habitual, fraudulent conduct. The learned State counsel has also referred to a report dated 19.05.2024 prepared by the SHO concerned pursuant to an order dated 18.03.2025, highlighting that during the pendency of the present petition, the petitioner has again engaged in the fabrication of false documents which were then used to secure the release of his brother in another criminal case. This, according to the learned State counsel not only demonstrates the

propensity of the petitioner to commit similar offences, but also justifies the necessity of his custodial interrogation for effective investigation into the wider conspiracy and modus-operandi adopted by the petitioner and his associates.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Upon consideration of the record, it is evident that the allegations against the petitioner are not only specific and serious in nature, but prima facie supported by preliminary material indicating his active role in the alleged forgery and deceit. The contention that the petitioner is not a signatory to the agreement may be a matter for trial; however, at this stage, the role attributed to him in orchestrating the entire transaction cannot be brushed aside. Furthermore, the delay in lodging the FIR, though significant, does not ipso-facto nullify the substance of the complaint, particularly when the allegations pertain to forgery and inducement. More importantly, the claim of the prosecution that the petitioner is involved in other similar criminal cases, and has even indulged in forcing documents during the pendency of the present proceedings to secure benefits in a separate case, points towards a consistent course of conduct that requires deeper probe. The allegations relating to the use of forged documents before a trial Court to obtain the release of his brother are grave and necessitate custodial interrogation to unravel the broader conspiracy.

8. In view of the above and considering the gravity of the allegations, the antecedents of the petitioner and the necessity of custodial interrogation for a thorough and effective investigation, this Court does not deem it fit to grant the extraordinary concession of anticipatory bail to the petitioner. The petition stands dismissed accordingly. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 30, 2025

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No