

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31903-2025
Date of decision: 24.12.2025

Gaurav Bassi and Anr

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Sangram Saron, Advocate and
Mr. M.B. Rajwade, Advocate for the petitioners.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Sarju Puri, Advocate for the complainant.

AARADHNA SAWHNEY, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023., has been invoked by the petitioners for the grant of pre-arrest bail to them in a case bearing FIR No. 0011 dated 07.03.2025, under Sections 420,465,467,468,471,120-B IPC registered at Police Station Mukandpur, District SBS Nagar.

2. Facts

Relevant facts as emerging from documents on record be noticed hereinbelow:

Ved Parkash Bassi, aged about 88 years, son of Sh. Hakikat Rai Bassi, presently residing at 30 CAMBRIEGE ROAD, HOUNSLOU, CODE TW4-7BS (U.K) set the criminal law in motion by filing a complaint pointing therein that petitioner No.1-Gaurav Bassi is the grand-son of his (complainant's) brother. Petitioner No.2 is the wife of

Gaurav Bassi i.e grand daughter-in-law of his (complainant's) brother. Complainant alleged that both, Gaurav Bassi and his wife Rosy in conspiracy with each other prepared his (complainant) fake Power of Attorney by forging his signatures and by mentioning his incorrect foreign address. Even his passport was misused and fake seals were appended on its photo copies. A closer look at the forged GPA revealed that the name of attesting witnesses were also not correctly mentioned. On the strength of this forged document i.e Power of Attorney, petitioner No.1 transferred the land owned by him (complainant), to petitioner No.2-Rosy, vide sale deeds dated 26.06.2024 for sale consideration of Rs.25,30,000/- and Rs.24,90,000/-. Complainant further maintained that the entire agricultural land owned by him had been given on lease. He had never sold the said land. If he had intended to sell the same, he would have himself done so, as he frequently visits India and could have executed the sale deed on his own. The sale consideration so depicted in the sale deeds was never received by him.

It is further the stand of the complainant that he visited India in February 2024 and returned back to England on 31.03.2024. Love for his home land made him visit India on 16.09.2024. Only to safeguard his rights in the land owned by him, he used to check up and collect the revenue record on his every visit to India. On this visit as well, as usual, he collected copy of the jamabandi, when to his surprise and shock, it came to his notice that the ownership of the land had been transferred in the name of his brother's grand daughter-in-law/Rosi (Petitioner No.2). Revenue officials were contacted immediately. Inquiries made at his own level revealed that some of the revenue officials were also involved in this fraudulent act, which had been committed by preparing his forged

power of attorney. He also noticed that his house had been transferred in the name of some other person. Even his car bearing PB-32-X-2237 also stood transferred in the name of petitioner No.1- Gaurav Bassi.

Primarily with this backdrop, he requested the police officials to investigate the matter and initiate appropriate proceedings against all those, who are involved in this conspiracy, in which, on the basis of his fake power of attorney, his 27 kanal of land situated in village Mahil Khairabad, Tehsil Mukundpur, District SBS Nagar was illegally grabbed and was registered in the name of petitioner No.2. He also requested to get his car number re-registered in his name.

On receipt of complaint, the then SSP, SBS Nagar directed the local police officials to inquire into the matter. The then S.P (Headquarter), District SBS Nagar conducted a detailed inquiry during which a report was sought from the Counsellor, UK with a request to ascertain the genuineness of the power of attorney. In the report, it was pointed out that the Power of Attorney had not been issued from the said office. The passport number of complainant was also wrongly mentioned as GBR519849322, instead of GBR144012271.

Raman Kumar Mann, Stamp Vendor, Nawanshahr was also questioned, who disclosed that on 30.03.2024, petitioner No.1-Gaurav Bassi had visited him to purchase the stamp papers, but was not accompanied by Ved Parkash. The details were entered by him (Stamp Vendor) in the register maintained by him on which Gaurav Bassi affixed his signatures as also that of Ved Parkash. After collecting sufficient incriminating material, police Authorities found substance in the allegations levelled by the complainant and accordingly registered the aforesaid FIR against the petitioners.

Apprehending their arrest, both the petitioners moved an application for grant of pre-arrest bail before the learned Sessions Judge, SBS Nagar. The same was dismissed vide order dated 28.05.2025, aggrieved of which the present petition has been filed.

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioners contends that both the petitioners, who are law abiding citizens have been falsely implicated in the present case. Sequence of events did not unfold in the manner as suggested by complainant in the complaint. Complainant, a near relative of the petitioners had himself executed a GPA dated 02.05.2024 from Birmingham, UK in favour of petitioner No.1. The said GPA was duly attested by the Consulate General of India, Birmingham on 13.05.2024 and was embossed by the Deputy Commissioner Office, SBS Nagar on 09.06.2024. While referring to the copy of said GPA, appended as Annexure P.2, learned counsel contends that a bare perusal of the same reveals that petitioner No.1 had been vested with the power to sell the land owned by complainant. This GPA was sent from UK through post. The forgery, if at all any, is not attributable to petitioner No.1. Abiding strictly by the Instructions/wishes of the executant i.e complainant, petitioner No.1 sold the land. The present FIR has been lodged by the complainant only with a view to wriggle out of the transfer deed. Complainant himself has become dishonest in the wake of rising prices of land and wants to re-sell the said land at higher price.

It is further the contention of learned counsel that petitioner No.2, a home maker has been unnecessarily dragged in the present criminal case. She has two children to look after. Unfortunately, the daughter of

the couple, aged about 08 years is suffering from Epilepsy and is undergoing treatment from PGIMS, Chandigarh. A copy of the OPD card/treatment card, appended along with the petition as Annexure P.4, has also been referred to by the learned counsel. He further contends that taking note of all the relevant facts, the Coordinate Bench of this Court had stayed arrest of petitioner No.2 vide order dated 02.08.2025.

Learned counsel next contends that before filing the complaint to the local police officials, a complaint on similar lines was moved by complainant before NRI Cell, which was initially inquired into by Inspector Kulbir Singh (SHO, P.S NRI Wing, SBS Nagar), who did not find any substance in the allegations levelled by complainant. Dissatisfied with the same, complainant requested the senior police officials to get the matter re-inquired. Consequent thereto, Sh. Lakhwinder Singh, DSP, NRI Wing called both the parties, recorded their respective statements and on the basis of the material available before him endorsed the stand of Inspector Kulbir Singh. Similar was the opinion of the Superintendent Police, NRI Wing, who also penned down his report dated 08.01.2015 (Annexure P.8). It is thus the submission of learned counsel that once the matter had been extensively inquired into by the NRI Wing, initiating further inquiry by SSP, SBS Nagar, without looking into the previous inquiry reports is sheer abuse of process of law. Further, as per learned counsel, questionable intent on the part of complainant is evident from the fact that he chose not to file any civil suit, immediately after he came to know of the alleged fraud. Primarily based on these submissions, learned counsel contends that the custodial interrogation of petitioners is not needed for nothing is to be recovered from them as the entire record is already available with the

I.O. Nonetheless, the petitioners are willing to join the investigation as and when called for.

On behalf of the State as well as complainant

4. Per contra, learned State counsel accompanied by Sh. Sarju Puri, learned counsel for the complainant have vehemently opposed the request for grant of anticipatory bail to both the petitioners. In this context, manifold submissions have been raised. *Firstly*, it has been pointed out that a report with regard to genuineness of the Power of Attorney allegedly executed by the complainant was obtained from Consulate General of India, Birmingham, UK wherein it was pointed out that the said document has not been attested by the Consulate General of India, Birmingham office as also that the same is invalid and not acceptable to be used for any purpose. Most importantly, it was further reported that Sh. B.D. Tyagi, whose stamp and signatures were found present in the Power of Attorney, was not posted in the office of C.G.I, Birmingham office during calendar year 2024. A copy of the said report, appended as Annexure R.1, has also been referred to. This report, as per learned counsel for the complainant makes it quite obvious that both the petitioners in conspiracy with each other had played a calculated fraud upon complainant, their relative, aged about 89 years.

Sh. Sarju Puri, learned counsel for the complainant while drawing the attention of the Court to the various inquiry reports submitted by the NRI Cell, SBS Nagar further contends that a bare perusal of all these reports make it quite evident that there has been no application of mind by the Inquiry Officer/Police officers. Elaborating further, he next points out that the Inquiry Officers of the NRI Wing, relying only upon the statement of petitioner No.1, who took the plea

that his father and complainant had certain financial transactions and that family partition had already been arrived at between them, came to a conclusion that the controversy between the parties relates purely to land dispute. Allegations of fraud leveled by complainant were not even inquired into, nor any clarification from the office of Consulate General of India, Birmingham was sought as to whether GPA had been executed by complainant, neither did the Inquiry Officer deem it appropriate to collect relevant documents indicating as to when the family partition had been arrived at, whether it was oral or any legal proceedings had been initiated. These reports indicate the shoddy investigation conducted by the NRI Cell at all the levels. Dissatisfied with this non-application of mind, complainant moved a complaint to SSP, SBS Nagar, on whose directions, detailed inquiry was conducted during which as noted above, report was sought from the office of C.G.I. Birmingham with regard to the genuineness of the Power of Attorney. Learned counsel further contends that the custodial interrogation of the petitioners is needed to recover the sale consideration illegally taken by them. It has been prayed that no case for grant of pre-arrest bail is made out.

5. I have heard the learned counsel for the parties and gone through the documents on record.

6. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State counsel accompanied by learned counsel for complainant, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

7. Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes.

Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail.

Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

Hon'ble the Supreme Court while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**", (2023 SCC Online SC 279) held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution

or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

In **Prasanta Kumar Sarkars case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.”

In **Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375**, the Hon’ble Supreme Court held that “Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”

8. Factual aspects of the case leading to the lodging of the FIR have already been noticed in para 2 of this order. In view of the

submissions advanced by learned State counsel accompanied by learned counsel for complainant and taking note of certain documents appended with the status report (especially the report received from the office of CGI, Birmingham, appended as Annexure R.1 along with the status report), the Court is of the opinion that petitioners have failed to make out a case of exceptional depravity/hardship in their favour entitling for the grant of this extraordinary relief of pre-arrest of bail.

9. Finding no merit in the present petition, the same is dismissed.

24.12.2025
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No