

2025:PHHC:090486



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

**CRM-M-38357-2025
Date of Decision:21.07.2025**

Simranjit Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gaurav Goyal, Advocate
for the petitioner(s).

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.137, dated 14.06.2025, under Sections 316(2), 318(2), 318(4), 338, 336(3), 340(2), 61(2) of BNS, 2023, registered at Police Station Guhla, District Kaithal, Haryana (Annexure P-1). Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainants, namely, Joginder Singh and Shishpal. It was alleged that the complainants wanted to purchase the land and the accused, namely, Karamjit Singh, Joginder Singh and Angrej Singh, who deal in property business, showed them various properties in different villages for the sale. Thereafter they showed them the land in village Shadipur measuring 50 Kanal and 15 Marla with complete revenue entries for the year 2023-24. They introduced them with two persons claiming them to be

Amarjeet Singh and Kamaljit Singh (petitioner-Simranjeet Singh), who were shown to be as owners of the land in question. The agreement was executed between the complainants and those two persons, namely, Amarjeet Singh and Kamaljit Singh (petitioner-Simranjeet Singh) for the sale of this 50 Kanal and 15 Marla land at the rate of Rs.37.75 Lacs per acre on 12.03.2025. They paid them the earnest money of Rs.60 Lacs. The date of registry was fixed as 22.05.2025. After the execution of the agreement, Amarjeet Singh and Kamaljit Singh (petitioner-Simranjeet Singh) introduced by Karamjit Singh, Joginder Singh and Angrej Singh started to demand more money from them. The complainants paid Rs.20 Lacs more to Amarjeet Singh and Kamaljit Singh (petitioner-Simranjeet Singh). At the time of execution of the agreement, the accused had also given them photocopies of Aadhar Cards and Pan Cards of Amarjeet Singh and Kamaljit Singh (petitioner-Simranjeet Singh). From the date of execution of sale deed, they did not turn up for the execution of sale deed. The complainants suspected something was wrong and on conducting the inquiry, they found that they had been cheated. Amarjeet Singh and Kamaljit Singh (petitioner-Simranjeet Singh), who were introduced by Karamjit Singh and other 02 persons, namely, Angrej Singh and Joginder Singh, were found to be the impersonators and were not the owners of the land for which the agreement was executed. The Karamjit Singh, Angrej Singh and Joginder Singh had produced fake persons before them in the name of Amarjeet Singh and Kamaljit Singh (petitioner-Simranjeet Singh), who had executed the agreement dated 12.03.2025 and had cheated them for an amount of Rs.80 Lacs. It was thus prayed that legal action be taken against all the accused persons. On registration of the FIR, the investigation commenced. The petitioner apprehending arrest, approached the Court of learned Additional Sessions Judge, Kaithal praying for the grant of anticipatory bail. However

after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Kaithal dismissed the petition filed by the petitioner vide order dated 09.07.2025 (Annexure P-3). Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner has been implicated in the present case on the basis of disclosure statement. He has submitted that the petitioner was neither a signatory to the alleged agreement dated 12.03.2025 nor he had received any earnest money. He has submitted that the FIR has been lodged in a casual manner without there being any specific role having been alleged against the petitioner. He has submitted that the dispute even otherwise is of a civil nature, which has been intentionally given the colour of criminal case, to harass the petitioner. The only allegation against the petitioner is that he impersonated himself as owner of the property i.e. Kamaljit Singh (petitioner-Simranjit Singh) which is without any basis. He has submitted that no offence as alleged against the petitioner is made out and thus, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana, appears and accepts notice on behalf of the respondent-State. Per contra, he has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner had played a key role in conspiracy with the co-accused and thus had cheated the complainants for an amount of Rs.80 Lacs. He has submitted that the case is under investigation and thus no case for the grant of anticipatory bail to the petitioner is made out and the present petition

deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the complainants have specifically alleged that the petitioner along with co-accused had impersonated himself as Kamaljit Singh i.e. one of the owners of the property. An agreement was also entered into between the petitioner (on the name of Kamaljit Singh) along with co-accused and the complainants and an amount of Rs.80 Lacs was paid to them by the complainants. However, later on it was found that both the persons i.e. petitioner and co-accused were impersonators. Kamaljit Singh was actually found to be Simranjeet Singh (petitioner) whereas Amarjeet Singh was found to be Rahul. Both these accused were not even found to be the owners of the land, for which the complainants had entered into an agreement and paid Rs.80 Lacs to them. The co-accused had taken the complainants into confidence and introduced both these impersonators as Kamaljit Singh (petitioner Simranjeet Singh) and Amarjeet Singh. The role played by the petitioner is of significant importance. The conspiracy hatched by the petitioner along with the co-accused is prima facie established. The investigation is at threshold.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
- 2. When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such*

directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632***, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other

considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being

subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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