

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

208

CRM-M No.41862 of 2025 (O&M)

Date of decision:21.11.2025

Harjit Kaur @ Harjeet Kaur**.....Petitioner****Versus****State of Punjab and another****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Abhimanyu Kalsy, Advocate for the petitioner.

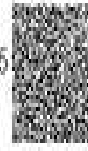
Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. Robindeep Singh Bhullar, Advocate for the respondent
No.2/complainant.**SURYA PARTAP SINGH, J. (Oral):**

1. Seeking for the benefit of anticipatory bail, the instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in a case arising out of FIR No.67 dated 13.06.2025, under Sections 419, 420, 120-B, 465, 467, 468 and 471 of IPC, Police Station Division No.2, District Police Commissionerate, Ludhiana.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Kamlesh', hereinafter being referred to as 'complainant' only. It has been alleged by the complainant that 'Kamal Kumar' and 'Harjit Kaur' (petitioner) were, in collusion with each other, and that after the death of brother of complainant on the basis of forged documents the property of brother of complainant has been fraudulently transferred. It has also been alleged by the complainant that

there is an ancestral property of the complainant in Mohalla Amarpura

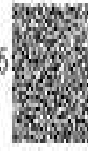


Ludhaina, bearing No.B-14-2258, near civil hospital, which was earlier recorded in the name of parents of the complainant. According to complainant, in the original documents the name of mother of complainant was recorded, and that her mother had 5 sons and 2 daughters. It has been further alleged by the complainant that all of her 5 brothers have passed away but her sister is alive.

3. It has been further alleged by the complainant that her brother 'Inderjeet' was unmarried and living in the above mentioned house. According to complainant, although 'Inderjeet' had never married in his life time but 'Harjit Kaur', i.e. the petitioner, has been claiming herself to be the legally wedded wife of 'Inderjit Singh', and thereafter, by manipulations in the municipal record she got the above mentioned ancestral house of complainant transferred in her name and sold it to another accused namely 'Kamal Kumar'. While alleging that property was earlier owned by the mother of complainant and on her death all the 7 sons and daughters of the mother of complainant are entitled to have 1/7th share 'each' in the above mentioned property, the complainant has alleged that by creating false documents, such as marriage certificate, with regard to marriage of petitioner with 'Inderjeet' and recording of petitioner as sole proprietor of the above mentioned house, the petitioner has committed the offence of cheating and forgery.

4. It is the case of the prosecution that in view of above mentioned information formal FIR of this case was lodged and the investigation taken up.

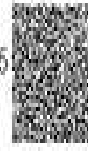
5. Heard.



6. It has been contended on behalf of petitioner that petitioner is innocent, having no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner, the petitioner is an illiterate lady, who has been misguided by the co-accused 'Kamal Kumar', who convinced her that she is the sole proprietor of the above mentioned house, being widow of 'Inderjeet'. While claiming that she is legally wedded wife of 'Inderjeet', it has been contended by learned counsel for the petitioner that the petitioner was convinced by the statement of 'Kamal Kumar' because in the municipal record her name was recorded, and thus, she transferred the property in favour of 'Kamal Kumar'.

7. It has also been contended by learned counsel for the petitioner that even the consideration paid by 'Kamal Kumar' has been gradually taken back from the petitioner and that she herself is a victim of fraud, played with her by 'Kamal Kumar'. In addition to above, the learned counsel for the petitioner has also argued that otherwise also the custodial interrogation of the petitioner is not required, and that the entire case is based upon documentary evidence. In view of above, the learned counsel for the petitioner has urged for the benefit of anticipatory bail for the petitioner.

8. The above mentioned arguments have been controverted by the learned State counsel. It has been contented by learned State counsel that in the present case *firstly*, the co-accused of the petitioner is absconding, *secondly*, by custodial interrogation of the petitioner the manner of creating false documents has to be ascertained. While claiming that the petitioner is the person who has created multiple false documents it has been contended by learned State counsel that in the given fact-situation, the petitioner is not entitled for the benefit of bail.



9. The record has been perused carefully.

10. A perusal of the record shows that there is no denial of the fact that house in question earlier belonged to mother of the complainant. Thus even if the claim of petitioner, that she is legally wedded wife of 'Inderjeet', is accepted on its face value, the share of petitioner in the above mentioned house cannot be more than 1/7th. However, the petitioner has sold the entire house, and there is no convincing justification for the above mentioned act. The allegations against the petitioner are of serious nature and without custodial interrogation the manner in which false documents have been created, cannot be investigated. In addition to above, the name of other person(s) involved in the above mentioned act have to be ascertained. Thus it is hereby held that in the present case custodial interrogation of the petitioner is of utmost importance.

11. It is pertinent to mention here that the petitioner is seeking extraordinary remedy by claiming the benefit of anticipatory bail. With regard to such remedy, the Hon'ble Supreme Court in the case of ***Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282***, has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

12. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of



interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

13. Similarly, in the case of ***Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)***, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

14. Similarly, in the case of ***Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565***, the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.



circumstances of the case, vis-à-vis the fact that the remedy of anticipatory bail is an extraordinary, it is hereby held that in the given fact-situation, if the valuable right of custodial interrogation available to the investigating agency is denied, it will not only hamper the investigation, but may lead to a situation wherein the investigating agency will be precluded from collecting crucial and relevant evidence. Since to elucidate the role of petitioner in the commission of crime, his custodial interrogating is of utmost importance and the same is required by the police, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail.

16. In view of above, being devoid of merits, the present petition is hereby **dismissed**.

17. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

21.11.2025
Manoj Bhutani

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