



CRM-M-50120-2025

-1-

(209)

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

CRM-M-50120-2025

Date of decision : 17.11.2025

**JAGMOHAN SINGH**

... Petitioner

**Versus****STATE OF PUNJAB**

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**Present: Mr. K.P. Singh, Advocate  
for the petitioner.

Mr. M.S. Toor, AAG Punjab.

Mr. Rakesh Bhatia, Advocate  
for the complainant.

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**JASJIT SINGH BEDI, J.**

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.16 dated 14.05.2025 (Annexure P-1) registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station NRI, District Amritsar.

2. The present FIR came to be registered at the instance of Gurpreet Singh and the same reads as under:-

*“Complaint bearing PGD No. 526088 dated 10.02.2025 from Gurpreet Singh has given to ADGP NRI Wing Phase 7 SAS Nagar which is as under: Complaint To Additional Director General of Police (ADGP), NRI Wing, Punjab, Phase-7, SAS Nagar (Mohali) Subject: complaint against accused (1) A person impersonating me, (2) Palwinder Singh son of Gurwinder Singh son of Lal Singh resident of Gali No. 5,*



CRM-M-50120-2025

-2-

*Sultanwind Road, Shaheed Udham Singh Nagar, Amritsar, (3) Numberdar Harbans Singh, Jhabal Kala, (4) Jagmohan Singh son of Sardul Singh, resident of 6370, Street No. 1, Indira Colony, Mustafabad, Vijay Nagar, Amritsar, (5) Jaspal Singh Kang, Deed Writer, Jhabal Kalan, (6) Ajay Kumar, Sub Registrar/Joint Sub Registrar, Jhabal Kalan, in collusion with other persons, by committing fraud and forgery, impersonating by another as special power of attorney from Ajay Kumar, Sub Registrar/Joint Sub Registrar, Jhabal Kala, my valuable property at Gumtala Sub Urban, Abadi Daleep Avenue near Ranjit Vihar Tehsil Amritsar-2, District Amritsar, by way of sale deed. Therefore, case be registered and investigated for preparing and using false documents and justice be done with me. It is requested that I am Gurpreet Singh son of Dalbir Singh son of Bhan Singh a permanent resident of village Khaba Rajputan, Mehta Chowk, Tehsil Baba Bakala, District Amritsar and have been residing at Sui Sai Wan Road, Hong Kong for a long time. 2. That on 15.12.2015 I have registered a sale deed No. 11815, book no. 1, Volume No. 6518 Page No. 83-84 Attested by the Office of the Sub Registrar, Amritsar-2, two plots bearing No. 141 Salam, and 142 Min, total area 375 sq. yards Khasra No. 42//4 Min, 42//3/1/2 Min, 3/21 Actual area Gumtala Sub Urban, Abadi Daleep Avenue Near Ranjit Vihar, Tehsil Amritsar-2, District Amritsar, purchased with my hard earned money and the sale deed of this property is also registered in my name in the revenue records. 3. That I have been living at Sui Sai Wan Road, Hong Kong for a long time and earning my living and after returning to my village in India on 30.01.2025, I went to the Patwari on the morning of 31.01.2025 to collect the Fard of my above property, where on reaching there, I was surprised to hear that some fraudulent accused, including the person who stood in my place, were taking unfair advantage of my being outside India. Palwinder*



CRM-M-50120-2025

-3-

*Singh son of Gurwinder Singh son of Lal Singh resident of Street No. 5, Sultanwind Road, Shaheed Udham Singh Nagar, Amritsar, Numberdar Harbans Singh, Jhabal Kalan, Jagmohan Singh son of Sardul Singh, resident of 6370, Street No. 1, Indira Colony Mustafabad, Vijay Nagar, Amritsar, Jaspal Singh Kang, Deed Writer, Jhabal Kalan and other persons in connivance with the accused Ajay Kumar, Sub Registrar/Joint Sub Registrar, Jhabal Kalan, committed fraud by deceiving and forgery by setting up another person in my place and preparing a false and forged power of attorney in my name regarding the above property in the presence of the accused before Ajay Kumar, Sub Registrar/Joint Sub Registrar, Jhabal Kala and my valuable property at Gumtala Sub Urban, Abadi Daleep Avenue near Ranjit Vihar and forged power of attorney dated 10.11.2021 has been executed by impersonating at Tehsil Amritsar-2, District Amritsar from Sub Registrar, Amritsar-2 and further, sale deed has been executed by impersonating. On further inquiry, I came to know that with the aim of getting the above fake power of attorney prepared, the above accused also forged my Aadhaar card and passport in collusion and on the basis of that false document, all the forgery and fraud has been committed and under the forgery, the false power of attorney has been prepared by impersonating and committed a fraud. 4. Therefore, I request you to take appropriate legal action on my complaint and register a case against all the above accused for committing fraud and preparing and using false documents in collusion and forgery under the relevant offences, investigate and take appropriate legal action so that the truth can come out and justice can be done to me. I will be going back to Hong Kong in a few days, so on my behalf, I am appointing Shri Yadvinder Singh (Aadhaar Card No. 3632 9604 5908) son of Shri Pritam Singh resident of village and post office Khabe Rajputa, Mehta Chowk, Tehsil Baba Bakala,*



CRM-M-50120-2025

-4-

*District Amritsar vide vasika No. 2024-25/89/4/1592 dated 31.01.2025. Dated 01.02.2025 complainant sd/- Gurpreet Singh”*

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has attested the power of attorney dated 27.07.2021 only on account of the fact that he was working as a Helper in the immigration agency run by co-accused Amarbir Singh, the brother of the present complainant. As he is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

4. On the other hand, the learned State counsel along with learned counsel for the complainant while referring to the reply dated 12.09.2025 contend that the petitioner was an attesting witness to the forged power of attorney in favour of the accused-Palwinder Singh. The petitioner being an employee of Amarbir Singh, the brother-in-law of the complainant, was well aware of the identity of the petitioner but deliberately identified another person as the complainant. Later, Palwinder Singh sold the plot in question to Navjot Singh and this sale deed was attested by Amarbir Singh and Harish Kumar. Thereafter, Navjot Singh has further sold the plot to Hardev Singh and Gurdev Singh. They contend that as the offences are *prima facie* made out and the petitioner is required to disclose the identity of the impersonator who impersonated the complainant, his custodial interrogation is certainly necessary and therefore, he is not entitled to the concession of anticipatory bail and the present petition is liable to be dismissed.



5. I have heard the learned counsel for the parties.
6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

*“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*

*Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common***



*argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.*

7. A perusal of the evidence collected so far would show that Amarbir Singh, brother-in-law of the complainant got prepared a forged power of attorney dated 27.07.2021 purportedly executed by the complainant in favour of the one Navjot Singh. The petitioner is an attesting witness to the said forged power of attorney. He being an employee of Amarbir Singh was well aware of the identity of the complainant but has wrongly identified some other person as the



CRM-M-50120-2025

-7-

complainant. During the pendency of the present petition, the petitioner was directed to join investigation and disclose the identity to the impersonator, who executed the power of attorney in favour of the accused-Palwinder Singh. However, he has refused to do so. Apparently, the petitioner is not cooperating with the Investigating Agency. As the offences stand *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**17.11.2025**

Kusum

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