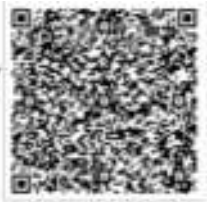


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
212(2)

Date of Decision 30.10.2025

(1) CRM-M-53944-2025 (O & M)

Rajesh Jain Petitioner
V/s
State of Punjab and anr. ...Respondents

(2) CRM-M-58930-2025 (O & M)

Kamaljit Singh Petitioner
V/s
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vrishank Puri, Advocate (in CRM-M-53944-2025)
and Mr. Charan Jit Sharma, Advocate (in CRM-M-58930-2025)
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Maneesh Bali, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions

i.e. CRM-M-53944-2025 and CRM-M-58930-2025 as they arise out of the

same FIR.

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2. The petitioner-Rajesh Nain (in CRM-M-53944-2025) and the petitioner-Kamaljit Singh (in CRM-M-58930-2025) seek the grant of anticipatory bail under Section 482 of BNSS, 2023 in case bearing FIR No.0082 dated 14.08.2025 under Sections 419/420 and 120-B IPC registered at Police Station Maharban, Police Commissionerate Ludhiana.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-53944-2025.

4. The present FIR came to be registered at the instance of Mohammad Zulfan and reads as under:-

A Complaint bearing no. PGD no. 478427 system no. 479696 dated 28.11.2024 on behalf of Mohammad Zulfan S/o Rashid Ali resident of House no. 248, Gali no. 3, Model Colony, Jagirpur, Ludhiana Mobile no. 75082 13622 against Master Mind Rajesh Jain S/o Yodh Raj R/o House no. 31-B, Raman Enclave Extension, Ludhiana, Jaswinder Dadral S/o sh. Swaran Singh resident of village Jagirpur, Ludhiana, Kamaljit Singh S/o Tek Singh R/o House no. 2693-A/2, Mangat Colony, Gali No. 1, near Royal Enfield Basti Jodhewal Chowk, Ludhiana fake Simmi Jain and the person who identified Simmi Jain, Sohan Lal son of Qabul Ram resident of Village Kakowal, Tehsil and District Ludhiana all of whom in conspiracy with each other on the basis of wrong documents entered into an agreement to sell to cheat and threaten with harm to my life has been received. The contents of which are as under to the Respected Commissioner of Polie Ludhiana, subject complaint against (1) Kamaljit Property dealer, basti Jodhewal Ludhiana, mobile no. 83600 277792 (2) Sanjeev Jain Mobile no. 70309 00006 (3) Jaswinder



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*Dadral resident of village Jagirpur, Tehsil and District Ludhiana
Mobile no. 95920 00844 (4) Simmi Jain wife of Ashok Kumar
Jain resident of House no. 4606 near Police Station
Sundernagar, Ludhiana all of whom conspired with each other
and on the basis of fake documents entered into an agreement to
sell cheated me and extended threats to my life and on such
account legal action be taken as prayed for. Sir, it is prayed that
| Mohammad Julfan S/o Rashid Ali am a resident of House no.
248, Gall no. 3 Model Colony, Jagirpur, Ludhiana and pray that
Kamaljit Property Dealer, Basti Jodhewal Ludhiana and
Jaswinder Dadral resident of village Jagirpur Ludhiana sold me
one plot measuring 840 sq. yards comprised in Khasra no 36//2,
9, 12/1, 13/18, Khewat No. 13/12, 10/9, Khatauni no. 11/14 as
per the jamabandi for the year 2014-15 situated in village
Meharban Hadbast no. 71. Tehsil and District Ludhiana by
telling me that I will get the said plot at a decent price. When I
decided to buy the said pict they told me that the plot is owned
by Simmi Jain W/o Ashok Kumar Jain R/o House no. 4606. near
Police Station Sundernagar, Ludhiana as the plot is in the name
of Simmi Jain by virtue of registry Vasika bearing no. 2020-
21/106/1/5633 dated x8-09-2020, the brother of Simmi Jain
namely Sanjeev Jain also told me that the plot is in the name of
his sister Simmi Jain and they also assured me the real
documents of the property and after showing me the documents
agreed to sell the plot to me for price of Rs. 25 Lakhs and in lieu
of such agreement they took Rs. 10 Lakhs from me as token
money on 10.10.2023 in the name of my father Rashid Ali son of
Habib. Simmi Jain, my father Rashid Ali and witnesses Kamaljit
Property Dealer and brother of Simmi Jain namely Sanjeev Jain
signed the said agreement in my presence when the same was*



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entered in the name of my father. At the time of making the payment earnest/token money a video recording was also done which is with me and the copy of the agreement is being attached herewith. On 26.12.2023 Simmi Jain received another amount of Rs. 10 Lakhs the terms of which was pen down in the agreement to sell also. The last date for the execution of agreement to sell was fixed as 11.01.2024. On 22.02.2024, Simmi Jain Aadhar No. 7917 2625 5071 got the registry of property done in the presence of witnesses Sohan Lal S/o Kabal Ram resident of Village Kakowal, Tehsil and District Ludhiana Aadhar No. 3601 0136 7000 and Anil Chawala son of Satpal Chawla resident of B-34/1451. Gall no. 7. New Chander Nagar, Habowal Kalan, Ludhiana Aadhar No. 2909 5888 5244 and the copy of the same is also attached herewith. When the registry is done in my favour then I went to property dealer Kamaljit @ Kamal to get the mutation of the same entered in the revenue record then Kamaljit took Rs. 4,500/- from me to get the mutation sanctioned and after this he took another sum of Rs. 10,000/-from me for the said purpose and told me that if I do not believe him I can take his cheque and so he gave me his cheque bearing no. 128810 IDBI Bank and then told me that within a period of 10 days he will get the mutation sanctioned and give me the FARD for the same. When despite payment of money the mutation of property was not sanctioned then it came to my mind that may be I have been cheated with. After this I went to the Halqa Patwari/Kanungo ensured them the registry who after perusing the record told me that there is no property in the name of Simmi Jain. After this I spoke with property dealer Kamaljit Kamal that all of them had conspired to cheat me and I asked him for my money and the said person extended threats to my



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life and told me that if I speak to anyone about this then I will be shot. I was asked to forget to plot and the mutation and also told that the money will be returned to me when they have. That all of them in conspiracy with each other and on the basis of false documents got the registry in my name and usurp Rs. 25 Lakhs from me. I request you to take action against the aforesaid persons and justice be given to me. In future in case there is any damage to me and my life then the above said accused persons shall be responsible for the same. I request that investigation be immediately conducted against the said persons. Dated 27.11.2024 complainant Mohammad Zulfan S/o Rashid Ali resident of House no. 248, Gali no. 3, Model Colony, Jagirpur Ludhiana.

5. During the enquiry, it came to light that the complainant/respondent no.2's father Rashid Ali was approached by a property dealer Jaswinder Dadral, who informed him about the availability of the said plot at Village Meharban. Thereafter, Kamaljit Singh and others entered into an agreement to sell with Rashid Ali.

6. The enquiry further revealed that petitioner-Kamaljit Singh (in CRM-M-58930-2025), in connivance with the petitioner Rajesh Jain (who falsely posed as Sanjeev Jain) and Jaswinder Dadral, obtained various sums of money on different occasions. A written agreement was prepared containing signatures of Kamaljit Singh, Rajesh Jain @ Sanjeev Jain and the purported signatures of Simi Jain.

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7. On 26.12.2023, Kamaljit Singh obtained another Rs.10,00,000/- in cash, endorsed the same on the agreement, and procured signatures purporting to be of Simi Jain. On 22.02.2024, a deed bearing No. 2023-24/106/1/27329 was registered in Sub-Registrar East, Ludhiana, in favour of the complainant/respondent no.2 Zulfan, after receiving another Rs.5,00,000/-. At the time of the execution, a woman impersonating as "Simi Jain" was produced, though the real Simi Jain has categorically denied ever selling any land, executing any document or receiving money. The complainant/respondent no.2 too confirmed that the woman who appeared during registration was not the real Simi Jain. The complainant/respondent no.2 also produced a video recording showing Rajesh Jain @ Rinku S/o Yodhraj Jain, receiving Rs.10,00,000/-.

8. On a perusal of the Jamabandi records, it was revealed that though the land had earlier stood in the name of Simi Jain through mutations No. 12116 and 13617, the major portion had already been sold before the present transaction and thus no such land measuring 840 sq. yards was left in her name to be sold.

9. The enquiry thus established that Rajesh Jain, impersonating as Sanjeev Jain, along with Kamaljit Singh and Jaswinder Dadral, fraudulently induced the complainant/respondent no.2, obtained Rs.25,00,000/- from him, and by producing a fake woman as "Simi Jain" got the sale deed executed. Witness Sohan Lal S/o Kabul Ram, resident of Village Kakowal,



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also identified the fake woman as Simi Jain at the time of registration, thus, committing the offences in question.

10. The learned counsels for the petitioners contends that the petitioners have been falsely implicated in the present case. There is a substantial delay in the registration of the present FIR. The dispute, if any, is of a civil nature. Jaswinder Dadral who is a similarly situated co-accused has been granted the concession of anticipatory bail by this Court vide order dated 30.09.2025. As the petitioners are ready and willing to join the investigation, they are entitled to the similar relief.

11. The learned counsel for the State, on the other hand, has filed separate replies dated 27.10.2025 in both the petitions which are taken on record. While referring to the said replies, he alongwith the counsel for the respondent No.2 contend that the petitioner-Kamaljit Singh (in CRM-M-58930-2025) in connivance with petitioner-Rajesh Jain (in CRM-M-53944-2025) who falsely posed as Sanjeev Jain alongwith Jaswinder Dadral, obtained Rs.10,00,000/- as earnest money and subsequently, Rs.9,00,000/- and Rs.10,00,000/- on different occasions. A written agreement was prepared containing signatures of Kamaljit Singh, Rajesh Jain @ Sanjeev Jain and the purported signatures of some lady who impersonated as Simi Jain. Later, a sale deed was executed in favour of the complainant-respondent No.2 and at that time, a woman impersonating Simi Jain was produced, though, the real Simi Jain has categorically denied ever selling



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any land, executing any document or receiving money. There is a video recording showing Rajesh Jain @ Rinku receiving Rs.10,00,000/-. Kamaljit Singh has admitted his hand writing on the affidavit. Thus, it has been *prima facie* established that Rajesh Jain impersonated as Sanjeev Jain and alongwith Kamaljit Singh and Jaswinder Dadral fraudulently induced the complainant-respondent No.2 and obtained Rs.25,00,000/- from him and by producing an impersonator lady purporting to be one Simi Jain got the sale deed executed. A witness-Sohan Lal identified the impersonator woman as Simi Jain. Jaswinder Dadral had been granted the concession of anticipatory bail because he is not a signatory to the agreement to sell. Therefore, his case is on a different footing. As the offences stand *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioners is certainly required and therefore, the present petitions are liable to be dismissed.

14. I have heard the learned counsel for the parties.

15. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Livelaw (SC) 870***' has 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:-



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“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***



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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.”

16. A perusal of the aforementioned facts and circumstances of the case would show that the accused persons obtained Rs.25,00,000/- from the complainant. Firstly, they entered into an agreement to sell which was signed by both the petitioners alongwith the impersonator/fictitious Simi Jain. Later, a sale deed was executed between the fictitious Simi Jain and the complainant-respondent No.2. However, it transpired that the actual Simi Jain had sold a major portion of the land much prior to the present transaction and thus did not have 840 Sq. Yds. to sell. The actual Simi Jain has categorically stated during the enquiry/investigation that she had not executed any document of sale and had not received any money. *Prima facie*, the offences in question stand established. Further, in order to identify and trace the lady impersonating Simi Jain, to recover the forged and fabricated documents and to establish the entire conspiracy, the custodial interrogation of the petitioners is certainly required.



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17. In view of the above, I find no merit in the present petitions and therefore, the same stand dismissed.
18. However, it is made clear that the observations made in this order are only for the purpose of deciding these bail applications and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.
19. The pending application(s), if any, shall stand disposed of accordingly.
20. A photocopy of this order be placed on the file of the case (CRM-M-58930-2025) titled as ‘Kamaljit Singh versus State of Punjab’.

October 30, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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