



**In the High Court for the States of Punjab and Haryana
at Chandigarh**

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CRM-M-61969-2025 (O&M)
Date of Decision:- 06.11.2025

Parveen Kumar ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The instant petition under Section 438 of Cr.P.C. (482 of BNSS, 2023), has been filed for grant of anticipatory bail to the petitioner in case FIR No.137 dated 22.09.2025, registered under Sections 420, 465, 466, 467, 468, 471 and 120-B of IPC, at Police Station Satnampura, District Kapurthala.
2. Learned counsel for the petitioner contended that the petitioner has neither done any cheating nor has he forged any document or tampered with any revenue record. The petitioner acted in a bona fide manner as a power of attorney holder and got the property transferred in favour of his wife Sonia vide sale deed dated 31.03.2022. It is further contended that in the revenue record itself, ownership of Smt. Vijay Kumari @ Vijay Dadara has been duly recorded since 1985 and even at the time of execution of sale deed, jamabandi for the years 2000-01, 2005-06, 2010-11 and 2015-16 were duly recorded and in all the jamabandis name of Smt.Vijay Kumari @ Vijay



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Dadara (co-accused) has been mentioned in the column of owner. It is further contended that the matter is purely of a civil nature, but the complainant in order to pressurize the petitioner, lodged the present FIR, however, the petitioner has not committed any criminal act; no document has been forged, fabricated or manipulated by him. It is further contended that wife of the petitioner i.e. Sonia has been granted concession of anticipatory bail, and she has already joined the investigation; the petitioner is ready and willing to join the investigation, thus, he prayed for grant of anticipatory bail to the petitioner.

3. Notice of motion.

4. Mr. Sandeep Kumar, DAG, Punjab, puts in appearance as advance copy of petition had been served to respondent-State. Learned State counsel has vehemently opposed the anticipatory bail petition. Learned State counsel contended that the present petitioner in collusion with other co-accused had fraudulently got registered the sale deed of the property in question in the name of his wife i.e. Sonia. The allegations against the present petitioner are serious in nature and he is kingpin of fraud; he created forged documents, no sale consideration was paid, a fake cheque was mentioned in sale deed, and vendor had no title to transfer the land; petitioner is required for custodial interrogation, thus, he prayed for dismissal of anticipatory bail application of the petitioner.

5. Mr. Shubham Thakur, Advocate appears and accepts notice on behalf of the complainant and opposed the prayer of learned counsel for the petitioner by submitting that the present petitioner played a fraud upon the



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complainant by transferring the land of the complainant with the help of forged and fabricated documents in the name of his wife i.e. Sonia.

6. Heard.

7. The allegations against the petitioner are that he is the power of attorney holder of said property, which related to him as Aunt (Bua) and she is not having valid title and the name of his wife-Sonia as owner of the property in dispute is not genuine and is a manipulated one; sale consideration has not been passed as the cheque issued in lieu of the sale as recorded in the sale deed is fictitious as per report of Punjab Gramin Bank, Branch Rama Mandi, Jalandhar. This Court finds that the petitioner is required for custodial interrogation for an effective investigation, this Court is not inclined to grant the relief of anticipatory bail to the petitioner.

8. Custodial interrogation of the petitioner is required in view of law laid down by the Hon'ble Supreme Court in case titled as '**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806**' decided on 03.08.1997, as under:-

"....custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of 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



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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 would not conduct themselves as offenders.”

9. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.
10. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

06.11.2025
Geeta

(SUBHAS MEHLA)
JUDGE

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