



CRM-M-65180-2025

1

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

105

CRM-M-65180-2025

Indu Mahajan and another

...Petitioners

V/s

State of Punjab

...Respondent

Date of decision: 26.11.2025**Date of Uploading : 26.11.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sandeep S. Majithia, Advocate for the petitioners.
(through Video Conference).

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Hargun Singh Sandhu, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioners in case bearing FIR No.108 dated 24.08.2025, registered for the offences punishable under Section 420, 120-B of IPC at Police Station Mohkampura, District Police Commissionerate, Amritsar.

2. The genesis of the FIR arises from the statement of complainant Kishan Singh against Indu Mahajan (petitioner No.1 herein) and her sons Raghav Mahajan and Rajat Mahajan (petitioner No.2 herein). It was alleged that Mr. Ashwani Sabharwal is the current owner of Private Plot No.76 measuring 560.11 sq. yards, Khasra No.2874/729, 745 min located at Gali Pethe Wali, Jawahar Nagar, Batala Road, Amritsar. This

**CRM-M-65180-2025****2**

plot is further divided into four sub-plots (1,2,3 and 4). Mr. Ashwani Sabharwal executed a General Power of Attorney for the above property in favour of the three persons in equal share i.e Kishan Singh son of Dalwinder Singh (complainant), Baljinder Singh son of Dalwinder Singh and Ramit Pal Singh. As a GPA holder, the complainant had the legal right and responsibility to protect and manage the said property. The complainant further alleged that recently he learned that Ms. Indu Mahajan (petitioner No.1 herein) submitted a forged rent deed to the GST Department. As per the complainant, it was never executed or signed by the owner and yet the GST Department accepted it without noticing this defect. This forged rent agreement was prepared without the knowledge or permission of the owner of Mr. Ashwani Sabharwal. It has been further alleged that the act appears to have been done by Ms. Indu Mahajan (petitioner No.1) in connivance with her sons Ragha Mahajan and Rajat Mahajan (petitioner No.2) and her nephew Sanjeev Mahajan. The complainant alleged that by submitting this fake rent deed to the GST Department, the accused persons have dishonestly, intentionally and fraudulently deceived the GST Department, the property owner and the Government of India. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioners has iterated that the tenancy of late Shri Satpal Mahajan, husband of petitioner No.1 and father of petitioner Nos.2 took the factory premises in question on rent from Sh. Tarun Sabharwal. According to learned counsel, since the commencement of the tenancy, Sh. Satpal Mahajan was regularly paid rent from the year 2006 to 2017 and thereafter paid in cash. Leaned counsel has further



CRM-M-65180-2025

3

iterated that the civil Court has already restrained the GPA holders from interfering with the possession of the petitioners. Learned counsel has further submitted that the FIR is a counterblast to the civil proceedings and is intended to exert pressure to forcibly dispossess the petitioners. Learned counsel asserts that the allegations levelled against the petitioners in the impugned FIR are entirely baseless and devoid of any credible or cogent material. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. It has been further argued that there is no need for custodial interrogation of the petitioners as nothing incriminating remains to be recovered from them. Moreover, there is no likelihood of the petitioners absconding from the process of justice or tampering with the prosecution evidence in case they are enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) *has* opposed the grant of anticipatory bail to the petitioners by arguing that the offence committed by them is serious in nature. Learned State counsel has iterated that the rent deed is admittedly unsigned by the owner and the owner has categorically stated that no such deed was ever executed. According to learned State counsel, the rent deed is admittedly unsigned by the owner and the owner has categorically stated that no such deed was ever executed. Furthermore, the inquiry conduct by senior police officers found a clearly case of forgery, fabrication and use of false documents before a government department. It has been further submitted that the custodial interrogation of the petitioners is essential to trace the



CRM-M-65180-2025

4

preparation of the forged deed and determine the extent of use and beneficiaries of the said forged deed. He has emphasized that granting anticipatory bail at this stage would hamper the investigation and may enable the petitioners to tamper with the evidence or influence witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition.

4.1. Learned counsel appearing for the complainant has vociferously opposed the grant of instant petition by contending that the petitioners have attempted to make a false tenancy by relying on a forged document. According to learned counsel, the GST registration obtained on the basis of such forged material is a matter of serious concern affecting public records.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioners. Admittedly, the rent-deed relied upon by the petitioners is admittedly unsigned by the owner of the property in question. The owner, Sh. Ashwani Sabharwal has categorically denied execution of any such deed. In the considered opinion of this Court, at the stage of consideration of plea for grant of anticipatory bail, the Court is not to determine the authenticity conclusively but the material sufficiently indicates *prima facie* involvement of the petitioners in preparation and use of a forged document. Furthermore, the bank transfers shown by the petitioners do not contain any narration which specifies 'rent'.

Mere transfers of money as also the absence of a valid tenancy document

cannot, by itself, create a landlord – tenant relationship particularly when



CRM-M-65180-2025

5

the alleged deed is apparently forged. The alleged cash entries in a private ledger maintained by the petitioners carry no probative value in the face of categorical denial by the owner. Moreover, the injunction order dated 11.02.2025 only protects the possession till the disposal of the suit. However, it neither validates the rent-deed nor precludes the registration of an FIR where ingredients of cognizable offences are disclosed. It is well settled that civil and criminal proceedings may coexist if they arise from distinct causes of action. The material which has come on record discloses that the allegations against the petitioners are not vague or general but are specific, supported by cogent material. The contention that the dispute is merely civil in nature does not hold merit. When deception and dishonest inducement form the foundation of a transaction, the offence squarely falls within the ambit of Section 420 of IPC. At the stage of considering the plea of anticipatory bail, the Court is not required to conduct a meticulous examination of evidence but only to assess whether a *prima facie* case is made out or not.

7. The offence in question alleged to have been committed is not only grave in nature but also have far-reaching consequences on the general public. The offences alleged involve forgery of tenancy documents, use of forged documents before a government authority (GST), possible preparation of multiple copies, digital and physical evidence requiring recovery and identifying accomplices involved in alleged fabrication. Granting anticipatory bail at this preliminary stage may hamper the recovery of crucial evidence. The attempt of the petitioners to use a forged document to claim tenancy and secure GST registration raises serious issues of

**CRM-M-65180-2025****6**

credibility. In the considered opinion of this Court, the conduct of the petitioners does not inspire confidence for grant of anticipatory bail. The Courts must remain vigilant and ensure that such rackets are not emboldened by leniency at the pre-trial stage. The offences in question necessitate a strong and principled judicial response to prevent their recurrence.

8. A perusal of the FIR reveals that the allegations against the petitioners are grave and serious in nature who is involved in forgery of tenancy documents and use of forged documents before a government authority (GST). The seriousness of the allegations and the manner in which the offence is alleged to have been committed warrant thorough investigation. Therefore, individuals involved in such organized deceit must be dealt with firmly and in accordance with the law, leaving no room for leniency. The discretionary relief of anticipatory bail is to be granted in exceptional circumstances where the Court is satisfied that the petitioners have been falsely implicated or that no custodial interrogation is required. In the present case, the allegations are grave the investigation is at a crucial stage. Furthermore, the investigating agency has sought the custodial interrogation of the petitioners to trace the preparation of the forged deed, also to determine the extent of use and beneficiaries of the said forged deed and to ascertain the depth of the conspiracy. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present FIR.

9. Furthermore, it is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate



CRM-M-65180-2025

7

between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In **State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039**, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented 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 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.”

10. Accordingly, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. In view of the foregoing and considering the seriousness of the allegations and the ongoing nature of investigation; this



Court is of the considered opinion that the petitioners have failed to make out a case for the grant of anticipatory bail. Moreover, custodial interrogation of the petitioners may be necessary for an effective investigation into a case of cheating of such magnitude.

11. In view of the prevenient ratiocination, it is directed as under:
- (i) The petition in hand is dismissed being devoid of any merits.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 26, 2025
Ajay

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