

2025 PHHC 173331



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-66384-2025

Date of decision: 11th December, 2025

Gurwinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Munish Dev Sharma, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

Mr. Deepak Thapar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 67 dated 06.05.2025 registered under Sections 120-B, 406, 419, 420, 467, 468 and 471 of IPC at Police Station Saha, District Ambala.

2. The aforementioned FIR was registered on the basis of a complaint filed by the complainant Bhupinderjit Singh alleging that two plots were purchased in same vicinity at village Bihta in the name of his mother Swaran Kaur and daughter Monika way back in the year 20.09.1985. Sale deeds were duly registered. His mother died on 05.02.2008. Some days back, he had visited village Bihta with intent to sell the plots owned by his mother

2025 PHHC 173331



as well as his daughter and came to know that the said plots had been sold to some other persons by two registered sale deeds dated 30.12.2008 and 24.03.2009 respectively. Both these plots had been sold by way of impersonation of his deceased mother and daughter. On making of inquiries, he came to know that the plot owned by his daughter was sold through the property dealers Mam Chand (Chammiya) and Baljinder. By alleging that in connivance with the purchasers and other persons, the above named Baljinder and Mam Chand (Chammiya) had cheated him and committed offence of forgery, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are underway. During the course of investigation, the statements of the purchasers had been recorded. The complainant recorded his supplementary statement on the basis of which, the present petitioner was nominated as an additional accused on the allegations that it was, he who in connivance with others had got impersonated the daughter as well as the mother of the complainant through some other persons and plots owned by them were sold to other persons. The petitioner was nominated as an additional accused. Apprehending his arrest, he moved an application for grant of pre-arrest bail, which has been dismissed by the court of learned Additional Sessions Judge, Ambala, vide order dated 06.11.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He was not a beneficiary to the transaction of the sale of property. He was neither the property dealer nor attesting witness to the sale deeds which were executed

2025 PHHC 173331



by way of impersonation of the actual owners. He has been nominated on the basis of statements recorded by co-accused Mam Chand and Baljinder which cannot be considered to be legally admissible. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is stressed that the petition does not deserve to be allowed.

5. Mr. Deepak Thapar, Advocate has put in appearance on behalf of the complainant and has filed his *vakalatnama*.

6. Status report has been filed by respondent-State. Learned State counsel assisted by learned counsel for the complainant has argued that there are specific allegations against the petitioner as he was the main conspirator who in connivance with the co-accused and by producing two females by way of impersonation of the original owners i.e. mother and daughter of the complainant had got the plots owned by them, sold to some other persons while knowing well that mother of the complainant had already expired and the original owners were not selling those plots. It is argued that for conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. Even otherwise, no exceptional or extraordinary circumstance for grant of pre-arrest bail to the petitioner is made out. Therefore, it is stressed that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. The petitioner in connivance with the co-accused and by impersonating the daughter and mother of the complainant by some

2025 PHHC 173331



impersonators is alleged to have facilitated sale of the plots owned by the complainant to some third persons and obviously he had derived some benefit out of the same. The allegations prima facie make out a case for commission of the subject offences as against the petitioner. Given the nature of the allegations, this Court is of the considered opinion that for conducting thorough and deeper probe and for eliciting the interrogation as to the identity of the persons who he had impersonated, his custodial interrogation is must. It is well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th December, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |