

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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2025.PHHC.175603



CRM-M-69464-2025 (O&M)  
Date of decision: 18.12.2025.

**KULDEEP SINGH**

...Petitioner(s)

**VERSUS**

**STATE OF PUNJAB**

...Respondent(s)

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Petitioner in person.

**VINOD S. BHARDWAJ, J. (Oral)**

Prayer made in the present petition is for the grant of pre-arrest bail or for issuance of directions to the Sirhind Police to give advance notice, in case the petitioner is sought to be arrested in a case to be registered under Section 318 (4) of Bharatiya Nyaya Sanhita, 2023 (Section 420 of the Indian Penal Code, 1860), Police Station Sirhind, District Fatehgarh Sahib.

It is averred in the present petition that the petitioner is engaged in the business of transportation and operates two trucks for his livelihood. It is further stated that his elder daughter is presently residing in Germany and also extends financial support to the petitioner by remitting money from time to time. The petitioner obtained a loan of Rs.80.00 lakhs from Cholamandlam Finance Company, Chandigarh, by mortgaging/pledging his residential house

constructed by him at Kharar, District S.A.S. Nagar (Mohali). Pursuant thereto, the first installment amounting to Rs.18.00 lakhs was transferred to the petitioner's account by the said finance company on 29.04.2024. It is further averred that on the strength of the aforesaid financial arrangement, the petitioner entered into an Agreement to Sell as a vendee with one Harvinder Singh, son of Bagh Singh, the landowner, on 22.11.2024. It is alleged that although Harvinder Singh had expressed his intention to sell the land in question and had received a total sum of Rs.28.00 lakhs as earnest money from the petitioner in three instalments, he subsequently deferred the execution of the sale deed on one pretext or another. The Agreement to Sell dated 22.11.2024 was executed on a non-judicial stamp paper in the presence of Nishan Singh, son of Sadhu Singh, and Varinder Singh, son of Surjit Singh, as attesting witnesses and the sale deed was required to be executed on or before 15.10.2025.

Since the sale deed was not executed, the petitioner was constrained to institute a Civil Suit for specific performance against the vendor before the learned Civil Judge (Junior Division), Amloh. In the said proceedings, the Civil Court, upon consideration of the pleadings, was pleased to pass an interim order dated 24.10.2025, whereby the defendant–vendor, Harvinder Singh, was restrained from alienating or creating any third-party interest in the land in question till the next date of hearing.

It is averred that upon becoming aware of the pendency of the civil proceedings and the passing of the aforesaid interim restraint order, the complainant–vendor Harvinder Singh submitted a complaint to the police, asserting that although the Agreement to Sell bore his signatures, the same

had been obtained on certain papers under a misleading pretext. Consequent thereto, the petitioner was summoned by the police to join the inquiry. It is specifically averred that the petitioner has duly cooperated with the investigating agency and has appeared before the respondents on three occasions and furnished all requisite documents.

An apprehension has been expressed that certain police officials are acting in collusion with the vendor with the intent to exert undue pressure upon him to abandon or not pursue the pending civil suit for specific performance. In this backdrop, the petitioner apprehends that he may be falsely implicated in a cognizable and/or non-bailable offence.

Acting upon such apprehension, the petitioner filed a petition before the Court of Sessions. The same was dismissed vide order dated 07.11.2025 after recording the statement of the Deputy Superintendent of Police, Kulbir Singh Sandhu, Sub Division Sri Fatehgarh Sahib, to the extent that the petitioner shall not be arrested during the inquiry. Hence, the present petition has been filed.

On a perusal of the documents appended with the present petition and noticing that a complaint has already been submitted to the police authorities, that the petitioner has duly joined the inquiry and that the police themselves have stated that the petitioner shall not be arrested during the pendency of the inquiry, coupled with the fact that civil proceedings in respect of the same transaction are already pending adjudication, the present petition is allowed.

The respondent State is directed to serve an advance three days notice on the petitioner in the event his arrest is sought on a complaint

submitted by Harwinder Singh son of Bhag Singh, resident of village Ranghera Khurd, Tehsil Amloh, District Fatehgarh Sahib, in relation to the agreement to sell dated 22.11.2024 executed with the petitioner herein.

December 18, 2025.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

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