

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:028758



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CRM-M-3609-2026 (O&M)
Date of decision:23.02.2026

Hardeep Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parvinder Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Sarju Puri, Senior Advocate with
Mr. Digvijay Manchanda, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.165, dated 01.08.2025, registered under Sections 318(4) and 61(2) of the BNS, at Police Station City Nawanshahar, District Shaheed Bhagat Singh Nagar.

2. As per the allegations, victims Yadvinder Singh Gill, Rajan Jaffry Gill and Balwant Singh Gill, who were residing in United Kingdom were having 22 kanals and 13 marlas of land in village Takarla. On insistence of Gurmeet Singh, who was relative of Balwant Singh Gill, they had executed a general power of attorney qua their land in favour of the accused Jaspal Singh on 31.07.2023. Subsequently, Balwant Singh Gill and

Rajan Jaffry Gill cancelled that power of attorney and a writing was executed in this regard on 03.12.2024 in the presence of witnesses. It was also signed by accused Jaspal Singh as well. However, despite cancellation of GPA, accused Jaspal Singh executed a sale deed qua 01 kanal 10 marlas of land owned by Balwant Singh Gill situated at village Saloh in favour of the present petitioner and co-accused Mohan Lal. The sale deed was registered for a consideration amount of Rs.19.50 lakhs but only a sum of Rs.10.50 lakhs was shown to be paid to accused Jaspal Singh. The sale consideration amount was shown to be much below the collector rate. On 09.01.2025, accused Jaspal Singh executed another sale deed on the basis of cancelled power of attorney. On 22.01.2025, one more sale deed qua 07 kanals 11 marlas of land belonging to Rajan Jaffry Gill was executed in favour of accused Mohan Lal. No sale consideration amount was paid to the original owners. The sale consideration price was also fixed to be lower than the collector rate indicating that a fraudulent transaction was made with an intent to cause wrongful loss to the owner and wrongful gain to the petitioner. Even some agreement to sell was executed by Jaspal Singh on 20.10.2023 while acting as a power of attorney holder of original owner, which was found to be sold with very less sale consideration amount. By alleging that the wrongful loss of huge amount of money was caused to the the estate of Balwant Singh Gill and his sons, prayer was made for taking action against the culprits.

3. Apprehending his arrest, petitioner, who had purchased land belonging to Balwant Singh Gill, moved an application for grant of anticipatory bail, which had been dismissed by the Court of learned

Additional Sessions Judge, Shaheed Bhagat Singh Nagar vide order dated 12.01.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, it was the petitioner, who is a victim in this case as he is a *bonafide* purchaser and was duped by the co-accused who made false representation of being an existing GPA holder. After making payment of due sale consideration amount on the basis of a registered sale deed, he had no knowledge about cancellation of the power of attorney executed in favour of Jaspal Singh or qua death of Balwant Singh Gill on 09.01.2025. He had purchased the land after due verification of ownership, revenue and registration record and by acting in good faith. The registered sale deed executed in his favour is a public document. No public notice or intimation regarding cancellation of GPA was in his knowledge. In support of his contentions, he has placed reliance upon the decision of Hon'ble Supreme Court rendered in **Md. Ibrahim & others Vs. State of Bihar & another, 2009(4) RCR (Criminal) 369**. The dispute, if any, between the parties was of civil in nature which has been given a criminal colour. No recovery is to be effected from him as he has already paid a due consideration amount to co-accused Jaspal Singh. He is ready to join the investigation. His custodial interrogation is not required. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and reply on behalf of the respondent/State and complainant have been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that the petitioner while knowing well that power of attorney executed in favour of accused Jaspal

Singh had been cancelled, still got executed sale deed of the said property of Balwant Singh Gill in his favour. Sale consideration amount was below the collector rate, which *prima facie* shows the fact that the petitioner had knowledge that the sale deed was being executed with an intent to cheat the original owner and that the property was sold at a lesser price. For conducting proper and thorough investigation into the matter, his custodial interrogation is must. There is no exceptional or extraordinary circumstances for grant of benefit of anticipatory bail to the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. Balwant Singh Gill, Yadwinder Singh Gill and Rajan Jaffry Gill admittedly executed a GPA in respect of their land in favour of accused Jaspal Singh. The said power of attorney had been cancelled on 03.12.2024. As per the allegations, by taking advantage of his position, accused Jaspal Singh sold the land belonging to the members of the complainant party on different dates by using the cancelled power of attorney and some of such land had been sold to the present petitioner also. It is not in dispute that the petitioner had made payment of sale considerable amount. There is no material on record to show that the requisite stamp duty as per the collector rate had not been affixed. Rather as per the reply, the same has been affixed. At this stage, there is no material on record to show that the petitioner had connived with the co-accused while purchasing the property in question and he had dishonest intention with all the accused to deprive with the complainant party of their money and to cause wrongful loss to them. It is

only on thorough assessment of the evidence that any conclusion as to the petitioner having knowledge as well as dishonest intention, can be drawn. The deed of cancellation of GPA was not a registered document and therefore it can be reasonably assumed at this stage that the factum of cancellation of GPA was not in the knowledge of the petitioner. Given the nature of the allegations and circumstances as peculiar to this case and the above discussed facts, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail, subject to the condition that the petitioner shall surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join the investigation. He shall also join investigation as and when required subsequently. In the event of his arrest, the Investigating/ Arresting Officer shall release the petitioner on interim bail on furnishing personal as well surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

8. It is, however, clarified that nothing stated above shall have any bearing on the merits of the case.

9. Pending application(s), if any, shall also stands disposed of.

23.02.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE