



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102-3

CRM-M-4459-2025

Date of Decision : 09.02.2026

DAVINDERPAL SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. G.S. Hayer Bajaj, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

Mr. H.S. Deol, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 438 Cr.P.C, has been filed by petitioner, one of the accused in case bearing FIR No.36 dated 24.10.2024 registered against him and others at Police Station Punjab State Crime, SAS Nagar, Mohali, for commission of offences punishable u/s 419, 420, 465, 467, 468, 471 and 120-B IPC.

2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

Smt. Hardial Kaur, 80 years old woman, whose husband – Sh. Rajinder Singh, son – Jaspal Singh and both the brothers have passed away, set the criminal law in motion by filing a complaint pointing therein that after the death of her son Jaspal Singh on 18.02.2017, the land owned by him in Village Gujar was transferred in her name. During his lifetime, her husband Rajinder Singh had executed a registered Will dated 01.10.2019 in her favour. She alleged



that Rinku, d/o Balbir Singh, Parampal Singh s/o Balbir Singh, Balveer Singh s/o Darshan Singh, Navjinder Singh s/o Safdarpal Singh, Safdarpal Singh s/o Ranbir Singh, Ranjit Singh, Tehsildar (Jaitu) and Gurdeep Singh, Reader to Tehsildar, in connivance with each other fabricated a General Power of Attorney dated 20.05.2024 said to have been executed by her, in favour of Parampal Singh, who on the strength of the said fake GPA executed the sale deeds of the land in question in favour of Balveer Singh, Navjinder Singh and Safdarpal Singh (since deceased). Revenue Officials were also hand in gloves with alleged vendor and vendees as they deliberately did not verify the documents. She further deliberately did not verify the documents. She further pointed out that co-accused, namely, Vijay Kumar, Nambardar of Village Sadwan and Davinderpal Singh (**present petitioner**) s/o Prithipal Singh, who do not hail from Village Gujjar, appended their signatures on fabricated Power of Attorney and verified some other woman as Hardial Kaur, despite knowing that the said woman is not real Hardial Kaur w/o Rajinder Singh. She also came to know that the said woman does not own any land in Village Gujjar. Complainant next alleged that in lieu of sale deeds, no amount was transferred in the account of either imposter Hardial Kaur (co-accused Rinku) and co-accused - Parampal Singh.

She alleged that all the above mentioned persons are the members of organized gang, who prepare fake documents of lands of helpless people and grab their property. The vendees Safdarpal Singh and Navjinder Singh, further as per complainant, are very well known to her. A Civil Suit titled "Rajinder Singh Vs. Harpal Singh" in which Safdarpal Singh (since deceased) is one of the parties, is pending adjudication before the Civil Courts. Further, both Safdarpal Singh and Navjinder Singh are already facing trial in another case bearing FIR



No. 56 dated 08.08.2019, u/s 406, 420-B IPC registered against them by one Simranjeet Singh s/o Gurmukh Singh levelling similar allegations.

While mentioning the questionable past antecedents of the accused persons, complainant alleged that on an earlier occasion as well, Parampal Singh s/o Balbir Singh had sold land of one Sukhdev Singh s/o Mukhtiar Singh r/o Dulo Wal Tehsil Mansa to Khushwant Singh Brar on the strength of fake GPA in which he mentioned himself as resident of Village Deep Singh Wala. However, in the present case, on the fabricated GPA, Parampal Singh mentioned himself to be permanent resident of Kasuri Gate, Ferozepur, presently residing in Village Deep Singh Wala, District Faridkot. The address of Ferozepur was mentioned only to show imposter Hardial Kaur as his sister.

On receipt of this complaint, the matter was enquired into by the police officials, who on finding substance in the allegations levelled, registered a formal case vide FIR No.36 dated 24.10.2024, u/s 419, 420, 465, 467, 468, 471 and 120-B IPC against present petitioner and the other accused.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail, before the Court of Sessions. The same was dismissed by the learned Additional Sessions Judge, Faridkot, in terms of order dated 12.11.2024. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that complainant, a smart and cunning lady, has been successful in getting the criminal proceedings initiated against petitioner and others by suppressing material facts. Petitioner was only the attesting witness to the GPA, he was not aware that GPA is forged, neither was he beneficiary to the alleged sale deeds, thus, he has been made a scapegoat. Continuing further, learned counsel contends that petitioner appended his



signatures on the GPA in good faith, there being nothing against him that he demanded or received any money from complainant.

The next leg of submission raised by learned counsel for the petitioner is that in the light of complainant having initiated civil proceedings, lodging of FIR is sheer abuse of process of law. Dispute being primarily civil in nature, custodial interrogation of petitioner is not needed, for nothing is to be recovered from him. Petitioner has thus been unnecessarily arrayed as an accused only with a view to pressurize him, as also to extract illegal monetary benefit from him. Prayer for allowing the petition has been made.

5. *Per contra*, while opposing the request for grant of anticipatory bail, respondent-State filed Status Reports dated 25.02.2025 and 09.10.2025 by way of affidavits of Mr. Rajinder Singh, Deputy Superintendent of Police, State Crime Police Station, SAS Nagar. In the said reports, it has been pointed out that after due enquiry substance was found in the allegations levelled by complainant, who was impersonated by one Rinku w/o Vishal, d/o Balbir Singh. The said lady in conspiracy with other accused forged GPA dated 20.05.2024, allegedly executed by Hardial Kaur (complainant) in favour of co-accused Parmapal Singh, s/o Balbir Singh. This GPA was executed at Ferozepur instead of Faridkot. Co-accused Vijay Kumar (Nambardar) and Davinderpal Singh (petitioner) s/o Prithipal Singh signed as attesting witnesses on this forged GPA, wrongly verifying Rinku d/o Balbir Singh as Hardial Kaur w/o Rajinder Singh. On the strength of this forged GPA, Parmapal s/o Balbir sold complainant's share of land through various sale deeds to Balveer Singh s/o Darshan Singh, co-accused - Safdarpal Singh (since deceased being represented by LRs), as also to co-accused - Navjinder Singh. Petitioner was also one of the witness to all the 6 sale deeds



executed on the strength of fake GPA. Investigations reveal that petitioner in collusion with other accused, deliberately wrongly verified/identified Rinku d/o Balbir Singh as Hardial Kaur w/o Rajinder Singh. That apart, past antecedents of petitioner are not satisfactory; he being involved in another case of like nature (details mentioned in para 11 of Status Report dated 09.10.2025), no case for grant of pre-arrest bail is made out.

6. Learned counsel for the complainant contends that in the light of facts and connecting circumstances brought on record, the plea taken by petitioner that he has been falsely implicated in the present case, and that he was totally unaware of the fact that the lady whom, he had identified was not Hardial Kaur w/o Rajinder Singh, does not deserve to be taken note of, for he (P) was supposed to check the identification details of the person, whom he was identifying. It was only on the basis of identification done by him (P) that co-accused Rinku managed to execute false and fabricated GPA by representing herself as Hardial Kaur w/o Rajinder Singh, in favour of Parampal Singh, who later sold the huge chunk of land belonging to Hardial Kaur to different persons. In fact, petitioner was also an attesting witness to all the 6 sale deeds executed on the strength of the aforesaid GPA. Thus, *prima facie* indicating his complicity in the entire incident in which calculated fraud has been played upon the helpless widow, who has been deprived of her lawful rights in the land owned by her.

Further, as per learned counsel the custodial interrogation of petitioner No.2 is needed to find out as to who all are involved in this racket, what is their *modus operandi* etc., how many other innocent unsuspecting persons have been made their preys. Dismissal of the petition has been prayed for.



7. I have heard learned counsel for the parties and perused the documents available on record.

8. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in **“P. Chidambaram vs. Directorate of Enforcement”, ((2020) 13 SCC 791)**, has observed as under:-

“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

In **“Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another” (2025 AIR SC 3375)**, the Hon'ble Supreme Court held that “Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”



Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. From the documents on record and submissions advanced by learned counsel for petitioners, learned counsel for complainant and learned State counsel, following facts emerge:-

- (i) Complainant Hardial Kaur d/o Ranjit Singh was married to Rajinder Singh s/o Heera Singh in 1969.
- (ii) The couple was blessed with a male child, namely, Jaspal Singh, who was born in 1970 (This fact has been admitted in the written statement filed by the petitioners in Civil Suit No.1230 of 2024 dated 06.08.2024, copy of which has been appended along with petition).
- (iii) Jaspal Singh, who was not married, died in 2017. He was owner of chunk of agricultural land situated in village Gujjar. After his untimely death, the land owned by him devolved upon complainant being his only surviving legal heir. Copy of the Mutation sanctioned in her favour has also been appended along with reply filed by the complainant.
- (iv) Unfortunately for the old lady, she (C) also lost her husband Rajinder Singh, who prior to his death had executed a registered Will in her favour on 01.10.2019, wherein he mentioned about the factum of divorce decree between him and his wife (c), as also the reason for bequeathing his estate/land in her favour.



- (v) It further emerges that complainant had also lost both her brothers about 30-40 years ago. Thus, she is alone in the family.
- (vi) Specific stand of the complainant is that she (C) never executed GPA dated 20.05.2024 in favour of Parampal Singh s/o Balbir Singh, who is an illiterate labourer. She alleges that sister of accused Parampal, namely, Rinku w/o Vishal impersonated her. Co-accused Vijay Kumar and Davinderpal Singh were the attesting witnesses to the said GPA. They identified Rinku w/o Vishal d/o Balbir Singh as Hardial Kaur(C) w/o Rajinder Singh. On the strength of said GPA land owned by complainant was transferred in favour of Navjinder Singh, Safdarpal (since deceased) and co-accused - Balveer Singh, vide 06 separate sale deeds.
- (vii) Admittedly, after complainant came to know about this fraud, she immediately filed Civil Suit for declaration questioning the legality of the GPA dated 20.05.2024 and 06 sale deeds executed on the strength of the aforesaid GPA. In the said suits present petitioners and co-accused Balveer Singh have been impleaded as respondents. Parties have been directed to maintain *status quo* with regard to possession and alienation. It is not disputed that complainant is in possession of land.

Contention of learned counsel that in the light of complainant having taken recourse to the civil remedies so available to her, initiation of criminal proceedings is an abuse of process of law, has not found favour with this Court,



for the reason that from the facts and documents brought on record, a *prima facie* case of cheating, forgery and criminal conspiracy is made out against petitioners and other accused.

At this stage, it would be appropriate to refer to a latest judgment of Hon'ble Supreme Court where in case titled as "***Kathyayini Vs. Sidharth P.S. Reddy & others***" (SLP (Crl.) No.1105 of 2024) after referring to its earlier decisions, in "***K. Jagdish Vs. Uday Kumar***" (2020) 14 SCC 552 and "***Pratibha Rani Vs. Suraj Kumar and Another***", (1985) 2 SCC 370, it was held as under:-

"19. xxxx

We hereby hold that *no such bar exists against prosecution if the offences punishable under criminal law are made out against the parties to the civil suit.*

xxxx"

"23. *The above precedents set by this Court make it crystal clear that pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons....*"

Thus, it is clear that in the factual scenario of the case in hand, complainant was not precluded/barred from initiating criminal proceedings. Insofar as, plea taken by petitioner that he was not aware that the lady whom he had identified was not Hardial Kaur w/o Rajinder Singh, the same deserves not be taken note of. He was duty bound to verify the identification details of the person, whom he was identifying. Further as has been rightly pointed out by learned State counsel the fact that petitioner is the attesting witness to all the 6 sale deeds executed in favour of co-accused Balveer Singh, Safdarpal Singh (since deceased being represented by LRs) and Navjinder Singh also indicates his active involvement and complicity in the entire incident in which calculated fraud has



been played upon the helpless widow, who has been deprived of her lawful rights in the land owned by her. Had it not been for the forged GPA, complainant would not have been deprived of her rights in the agricultural land. Thus, petitioner has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

09.02.2026
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>