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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-8621-2026**

Rakesh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: March 24, 2026**Date of Uploading: March 24, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Sandeep Gors, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (Oral)

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 petitioner, in case bearing FIR
No.5 dated 22.01.2025, registered for the offences punishable under Sections
420, 465, 467, 468, 471 and 120-B IPC, at Police Station Civil Lines,
District Amritsar.

2. The gravamen of the instant FIR reflects that it emanates from a
complaint lodged by the complainant-Gursimran Singh Dhillon, Additional
Deputy Commissioner (General), District Amritsar, pursuant to findings
recorded in an official inquiry. It has been alleged that six accused persons,

in connivance with certain officials, orchestrated the fraudulent registration of multiple sale deeds (Vasika Nos. 8739 to 8744) before the Sub Registrar on the basis of purported old conveyance deeds which, upon verification, were found to be non-existent in the official record maintained in the office of the Deputy Commissioner. It is alleged that neither the executants nor the vendees appeared before the Sub Registrar with original conveyance deeds, thereby indicating that the sale deeds were procured on the strength of forged and fabricated documents. The acts were allegedly facilitated by Ardeepak Singh, then Sale Clerk (now under suspension), who, without verifying the official record, processed the documents in conspiracy with other accused persons. Thereafter, an attempt was made to usurp government land comprised in Khasra Nos. 1489-1490 belonging to the Provincial Government. Although the then Sub Registrar, Manjit Singh, subsequently impounded the sale deeds upon detection of irregularities, the fraudulent registration had already been effected, necessitating civil proceedings for cancellation. Further allegations reveal that some of the accused had also instituted a writ petition claiming ownership over land situated at IDH Market; however, upon inspection, it was found that the said land does not correspond to the aforementioned khasra numbers and falls within the jurisdiction of the Municipal Corporation, Amritsar. This discrepancy reinforces the allegation that the accused, in collusion with officials, manipulated records and created forged documents to lay illegal claim over government land. Upon these set of allegations, the instant FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has

further iterated that the petitioner has been falsely implicated into the FIR in question. It is contended that the petitioner has never committed any offence. It has further been contended there is an unexplained delay of about 3 years in reporting of the alleged offence to the police. Learned counsel appearing for the petitioner has further contended that the petitioner has not committed any forgery. Counsel submits that the petitioner was neither a beneficiary of the alleged sale deeds nor involved in their registration before the Sub Registrar and no specific overt act has been attributed to him in the FIR. Learned counsel has further contended that the dispute in question is purely civil in nature.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel while raising arguments in tandem with the reply dated 25.02.2026 has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Relevant paragraphs of the said reply reads thus:

*“15. **Role of the petitioner:** That it is humbly submitted that based on the evidence which has so far come forth during the course of investigation being carried out in the present case, it has come forth that the present petitioner Rakesh Kumar and other co-accused persons, who have so far been nominated in the present case, in connivance with each other prepared fake Conveyance Deed (sale order) dated 15.07.2004 in favour of Rajan Seth,*

Conveyance Deed (sale order) dated 22.07.2004 in favour of Sourabh Seth, Conveyance Deed (sale order) dated 16.03.2005 in favour of Tejinder Singh and Conveyance Deed (sale order) dated 22.03.2005 in favour of the present petitioner Rakesh Kumar and two Conveyance Deeds (sale orders) dated 12.04.2005 in favour of Nand Kishore, qua the sale of the land in question in their favour under the signatures of Rajesh Sharma, PCS (Retired) then Tehsildar-cum-Managing Officer (Sales) Amritsar, whereas no record qua these Conveyance Deeds i.e. sale letters is available in Revenue Department and thereafter, on the basis of these fake Conveyance Deeds i.e. sale letters, all the accused persons attempted to get the Conveyance Deeds vide Vasika Nos. 89/1/8739, 89/1/8740, 89/1/8741, 89/1/8742, 89/1/8743 and 89/1/8744 registered in their favour from office of the Sub Registrar, Amritsar, which were firstly registered but the same were impounded/refused by the Sub Registrar, Amritsar having been found doubtful as no record qua the above said conveyance deeds is available in Revenue Department and at the relevant time, there was no policy/order/direction by the Government for sale of the property in question. The Conveyance Deed (sale letter) dated 22.03.2005 and Conveyance Deed i.e. Vasika No. 89/1/8741 dated 27.1.2022 were prepared in favour of the petitioner Rakesh Kumar. As such, the present petitioner and other co-accused persons have tried to encroach upon the government land in a legal manner illegally.

16. Antecedents of the petitioner: *That the deponent humbly submits that as per the information provided by SHO PS Civil Lines, Amritsar, the present petitioner is also found involved in another FIR No. 88 dated 03.06.2024 u/s 420/465/467/468/471/120-B IPC police station Civil Lines District Amritsar.”*

The allegations involve criminal conspiracy, cheating, and forgery by impersonation, which are serious offences under the law. The petitioner has played a pivotal and active role in the commission of the offence. Learned State counsel has further argued that the enquiry conducted by the competent authority clearly reveals that the alleged sale deeds/letters have no existence in the revenue record and are forged documents. The petitioner, in connivance with co-accused persons, got prepared and used

such forged documents to lay claim over government land. The petitioner is also stated to be involved in another FIR of similar offence of forgery. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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, the allegations against the petitioner are grave and specific. The allegations against the petitioner pertain to preparation and use of forged documents relating to government property, which are grave in nature. The argument that the matter is purely civil does not convince this Court at this stage, because the inquiry conducted by the concerned authority and the allegations clearly show signs of cheating, forgery and criminal conspiracy. The manner in which fake documents were allegedly created and used to claim rights over government land cannot be termed as a simple civil dispute.

Furthermore, the fact that the petitioner himself, during investigation, made a disclosure statement that, on the asking of his friend, he had purchased stamp papers of ₹4.25 lakhs in his own name in January, 2022, which *prima facie* reflects his active involvement in the transaction in question. The petitioner is earlier also involved in similar like offences and, therefore, appears to be a habitual offender. Learned counsel has failed to demonstrate the petitioner was not involved in the alleged offence. As per the reply filed by the State, the petitioner has played an active role in the alleged offence. The argument raised by learned counsel for the petitioner there is a delay of 3 years in reporting the matter to the police does not merit

acceptance, as the complaint was pending before the authorities concerned and an inquiry was also conducted in this regard.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the 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.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.
9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 24, 2026
Naveen

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