



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

118

CRM-M-13463-2026

Date of decision: 12.03.2026

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Gourav Rana, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.138 dated 27.08.2025 registered against him at Police Station City Urban Estate, District Patiala, for the commission of offences punishable u/s 420, 467, 468, 471 and 120-B IPC, has prayed for grant of pre-arrest bail.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Shri Vishal Sharma, son of late Sh. Vishavjeet, resident of H.No. 2678, Joriyan Bhatian, Patiala, set the criminal law in motion by filing a complaint pointing therein that Raj Kumari Chauhan, her husband Amar Singh and Sukhwinder Singh 'Numberdar' (present petitioner), in conspiracy with each other, fabricated certain documents to obtain unlawful gain, on the strength of which the mutation of inheritance of late Vishavjeet was sanctioned in favour of Raj Kumari. Complainant alleged that the aforesaid Raj Kumari was initially employed at their home as a domestic helper. Later, she started cohabiting with his (C's) father, who passed away on 06.03.2023. After his demise, she falsely portrayed herself as his widow and her children from the first marriage as his



children. On the strength of the said assertion, certain documents were executed and an affidavit etc. on the basis of which mutation of Plot No.47 situated in Neelam Vihar Colony, Village Choura, District Patiala was sanctioned in her favour and in favour of her children. After receipt of the complaint, the matter was enquired into by the police authorities, during which it was revealed that the legally married wife of late Vishavjeet namely Nina Sharma had passed away in 2012, leaving behind him (Vishavjeet) and their 02 children namely Bharti Sharma and Vishal Sharma (complainant). Despite not being his legally married wife Raj Kumari Chauhan procured mutation of the aforesaid property on the basis of false affidavit, which was verified by Sukhwinder Singh 'Numberdar' (present petitioner). Thus finding substance in the allegations levelled, a formal case vide FIR No. 138 dated 27.08.2025 u/s 420, 467, 468, 471 and 120-B IPC was registered against Raj Kumari Chauhan, her husband Amar Singh and present petitioner.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Patiala. The same was dismissed vide order dated 15.09.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, aged about 62 years, 'Numberdar' of the village, has been falsely implicated in the present case with a *malafide* intention to harass him as also to extract illegal monetary benefit from him. It is further the submission of learned counsel that petitioner did not prepare any forged documents nor did he derive any benefit from the alleged transaction. Being *Numberdar* he only attested the affidavit and the other documents produced before him by Raj Kumari Chauhan, who presented before him copy of Aadhar Card in which she was



recorded as wife of late Vishavjeet. There was no occasion for petitioner to doubt the genuineness of the document produced before him, for aforementioned Raj Kumari had been residing with the deceased for several years. The two were in 'live-in' relationship, which fact was known to the villagers. In discharge of his duties and acting totally in good faith, petitioner attested the documents without there being any criminal intent on his part/desire to derive any illegal benefit.

Towards the end, learned counsel contends that custodial interrogation of petitioner is not needed for nothing is to be recovered from him but being a respectable person with deep roots in the society and a law-abiding citizen, he (P) is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel contends that petitioner is the *Numberdar* of the village, where the parties have been residing for last many years. Plea taken by him that he genuinely attested the affidavit and other documents presented before him by Smt. Raj Kumari Chauhan does not deserve to be taken note of, for being the *Numberdar* of the village he was expected to know that Smt. Raj Kumari Chauhan had never married late Vishavjeet. Based only on the documents attested by present petitioner, mutation of Plot No.47 situated in Neelam Vihar Colony, Village Choura, District Patiala was wrongly sanctioned in favour of Raj Kumari and her children from the earlier marriage, who were not the legal heirs of late Vishavjeet. Due to this illegal act, the legal heirs of deceased were deprived of their lawful right. Further, as per learned State counsel the contention of petitioner that he did not derive any benefit out of



the alleged wrongful act also appears to be a last minute effort on his part to wriggle out of embarrassing position in which he is placed for incriminating material collected till date suggests that he (P) played a crucial role in entire incident.

Learned State counsel next contends that contradictory pleas have been taken by the petitioner, who on the one hand maintains that there was no occasion for him to doubt the genuineness of the document presented before him wherein Raj Kumari Chauhan had projected herself to be legally wedded wife of late Vishavjeet, whereas on the other hand, he (P) himself has taken a stand that Raj Kumari Chauhan was in 'live in' relationship with Vishavjeet, as also that the said fact was known to all the villagers. This contradiction in his stand itself raises a doubt on his plea of innocence. Allegations against the petitioner being serious and grave, his custodial interrogation, further as per learned State counsel, is needed to find out whereabouts of the other accused (who have not been arrested), as also to know who all are involved in this racket, how many such like frauds have been committed by them etc. Investigation being at the initial stage, no case for grant of this extraordinary relief of pre-arrest bail is made out. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the parties, it would be appropriate to refer to certain relevant 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.*”

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. During the police enquiry, it emerged that petitioner who was the *Numberdar* of Village Buhner Heri had falsely attested certain documents/affidavit wherein Raj Kumari Chauhan was shown to be legally wedded wife of late Vishavjeet. She and her children from first marriage were projected as the legal heirs of late Vishavjeet. In fact, Raj Kumari Chauhan had been earlier working in the house of Vishavjeet as a Maid. Later, when the mother of complainant and wife of Vishavjeet passed away, she allegedly started cohabiting with Vishavjeet. Villagers were aware that she was in 'live-in' relationship with late Vishavjeet. Thus the question of petitioner, who is the *Numberdar* of the



Village, being not aware of this fact does not arise. It was on the strength of the documents attested by petitioner that mutation was sanctioned in favour of Raj Kumari Chauhan and her children with respect to Plot No.47 situated in Neelam Vihar Colony, Village Choura, District Patiala. Thus, the legal heirs of Vishavjeet were deprived of their lawful rights in the property of their father (late Vishavjeet). At this stage, it would also be appropriate to refer to the judgment of Hon'ble Supreme Court in ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870***, wherein it was held as follows:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone



would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

In the factual scenario of the case in hand and discussion made hereinabove, this Court is of the opinion that the custodial interrogation of petitioner is needed to find out whereabouts of the other accused (who have not been arrested), as also to know who all are involved in this racket, how many such like frauds have been committed etc. 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.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

12.03.2026

Hemant

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