



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13575 of 2026

Date of Decision: 12.03.2026

Surjeet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 40 dated 20.02.2026, for the commission of offence punishable under Section(s) 318(4), 319(2), 336(2), 338, 336(3), 340(2) and 61(2) of 'the Bharatiya Nyaya Sanhita, 2023' and Section 35 of 'the Aadhar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016' Police Station Nehianwala, District Bathinda, Punjab.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Raghubir Singh' hereinafter being referred to as "complainant" only. Vide complaint submitted by the above named complainant, it was stated by him that he was

an agriculturist, holding land in village Mehma Sawai, Tehsil & District Bathinda. According to complainant on 18.05.2025 when he was ploughing his land to sow paddy crop, 'Surjit Singh' son of Puran, along with two unidentified persons, arrived there and stated that the above-mentioned land had been purchased by him in the name of his wife, namely 'Kulwinder Kaur', and that with regard to same the sale deed had already been executed and the mutation had been sanctioned by the revenue authority. According to complainant in view of above he came to know that somebody, by impersonation had sold the land to 'Kulwinder Kaur' and thus a fraud had been played by creation of fake and forged documents.

3. It is the case of the prosecution that in view of above mentioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation, it transpired that the petitioner had signed the above-mentioned sale deed as a witness/identifier, and thus identified the impersonator as 'Raghubir Singh'.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is a 75 years old senior citizen, who is innocent having no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner the sale deed was signed by the petitioner as an identifier for

the buyer and not the vendor. In addition to above the learned counsel for the petitioner has also contended that there is no allegation against the petitioner that he himself had impersonated as owner of the agricultural land and no benefit, whatsoever, has been drawn by the petitioner from the alleged fraudulent transaction. The learned counsel for the petitioner has also contended that in a routine manner the petitioner had identified the buyer and therefore, no criminality can be attached to the above-mentioned act of the petitioner.

8. In addition to above, the learned counsel for the petitioner has also contended that otherwise also in the present case the entire evidence to be collected by the Investigating Agency is documentary in nature and therefore, custodial interrogation of the petitioner is not required. As per learned counsel for the petitioner the offence is triable by the court of learned Judicial Magistrate, and that the detention of the petitioner in judicial lock-up is not likely to serve any purpose.

9. The learned State counsel has controverted the above-mentioned arguments. It has been contended by learned State counsel that in the present case the allegations against the petitioner are of signing a document which was executed by an impersonator. According to learned State counsel, there is no concept of identification of buyer of a sale deed and in fact the petitioner is responsible for identification of a person who was an impersonator. The thrust of argument of learned State counsel has been that the petitioner had played prime role in the commission of offence as without identification of the petitioner, the possibility of commission of offence was totally ruled out.

10. While claiming that a false document has been created which amounts to valuable security and the above-mentioned document was used for the purpose of mutation and raising loan, the learned State counsel has contended that the offence committed by the petitioner is punishable with imprisonment for life, and that in view of gravity of offence also, the petitioner is not entitled for the benefit of bail.

11. The record has been perused carefully.

12. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken into consideration for a decision:-

- i) that there is no denial of the fact that the petitioner is signatory to the sale deed which has been executed in favour of 'Kulwinder Kaur' by a person who impersonated himself as 'Raghubir Singh' as owner of the property;
- ii) that this argument of learned counsel for the petitioner does not hold good that the petitioner had signed the sale deed as a witness for the identification of the buyer only. Qua above-mentioned argument it is relevant to note here that *firstly* there is no concept for the identification of buyer and *secondly* in the sale deed it has not been mentioned that the petitioner had signed the sale deed for identification of buyer only.

In fact this is the call of prudence that the executant of the sale deed, i.e. the vendor, has to be

identified with the help of witnesses and for that purpose only, the concept of identifier has been evolved;

- iii) that due to identification of a fake vendor, the sale deed has been executed and being a signatory of document as a witness, for the above mentioned act the petitioner cannot be absolved from his liability;
- iv) that the gravity of offence is very serious as for creation and use of forged document, which amounts to valuable security, the punishment prescribed is imprisonment upto life.

13. With regard to use of discretion for granting anticipatory bail, the Hon'ble Supreme Court of India in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

14. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the above said power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

15. The Supreme Court of India in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and

Another' [Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024], has observed that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

16. Similarly, in the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab' 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

17. It is relevant to mention here that this fact cannot be ignored that the petitioner has approached this Court for the benefit of anticipatory bail which will result into denial of opportunity to the Investigating Agency to interrogate the petitioner. The right of custodial interrogation of an accused is a valuable right of the Investigating Agency and unless extraordinary circumstance exists such right should not be denied to the Investigating Agency.

18. Taking into consideration the cumulative effect of all the above discussed factors and the direct nexus between the petitioner and commission of crime, it is hereby observed that at this stage, the petitioner is not entitled for the benefit of anticipatory bail and the present petition being devoid of merits deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

19. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

March 12, 2026
“DK”

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