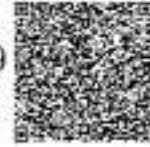


2026.PHHC.032299



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CRM-M-20834-2025

Date of decision: 26th February, 2026

Arun Kajla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhinav Sood, Advocate and
Mr. Arsh Bir, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 24 dated 04.02.2025 registered under Sections 420 and 120-B of IPC at Police Station Mullanpur, District SAS Nagar.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Sanjay Bansal, alleging therein that the petitioner and his son Prince Kajla had represented to the complainant and his son that they were interested to buy some land for the purpose of a farm house at village Chotti Bari Nangal, New Chandigarh and Gurmail Singh, Mewa Singh and Nasib, resident of the above said village could sell 03 acres of land to them. The petitioner and co-accused Prince Kajla then took the

2026.PHHC.032299



complainant and his son to accused Balraj Singh Gill, Jarnail Singh and Amitinder Singh, who further represented to the complainant and his son to get a successful deal struck with the above named owners and also advised them to not to disclose about the proposed deal to anyone. The petitioner and co-accused Prince Kajla also assured the complainant about the genuineness of the deal and undertook the responsibility for the same. On being so assured, the complainant and his son agreed to struck a deal for purchase of land of the above named Gurmail Singh, Mewa Singh and Nasib, who showed their land to them. On 19.06.2024, a total amount of Rs. 2,05,00,000/-, including two blank cheques bearing No. 000018 and 000019 had been given by the complainant. The petitioner also got signed a blank cheque bearing No. 000020 from the complainant by assuring that he would return the said cheque after registration of sale deed. However, no sale deed was registered in the name of the complainant and subsequently, the petitioner and other accused started telling the complainant that the revenue authorities had refused to register the sale land and told that they could execute General Power of Attorney or a will qua the land in question in favour of the complainant. The petitioner again undertook the responsibility for the same. The petitioner and co-accused got prepared a power of attorney and a will qua the land in question. The accused Gurmail Singh, Mewa Singh and Nasib, also gave some affidavit. However, the complainant then came to know that the accused Gurmail Singh, Mewa Singh and Nasib Singh had also sold the land to some Quarks City Company. When they confronted the petitioner and his son and

2026.PHHC.032299



asked for return their money, the petitioner along with the co-accused had extended threats to the complainant and his son. By alleging that a huge amount of money has been usurped by the petitioner and the co-accused and they had cheated the complainant, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Mohali which was dismissed vide order dated 10.03.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the complainant who was in need of some financial help had approached him for loan of Rs. 30 lakhs which was so given by the petitioner. The complainant had assured to return the same along with the interest at the rate of 24 % per annum. He had also issued a cheque 000017 dated 03.06.2024 to ensure payment. Sometime thereafter, he had shown his willingness to invest in some property. On his insistence, the petitioner had gone with the complainant and his son to village Chotti Bari Nangal, where the complainant had met the above named Balraj Gill, Jarnail singh and Amitinder Singh, owners of the land. The petitioner has not been aware of the events that has transpired subsequently between the complainant and the above named Gurmail Singh etc. When he asked for return of amount of Rs. 30 lakhs, the complainant had refused to pay the same, thereby compelling the petitioner to present the cheque bearing No. 000017. The said cheque has been dishonored and a compliant filed by the petitioner under

2026.PHHC.032299

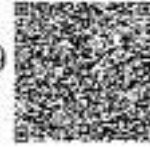


Section 138 of NI Act is pending against the complainant.

5. It is further argued that the FIR of this case is a counter blast to the above said complaint. General power of attorney and will has been executed, if any, by the land owners and not by the petitioner. He had been made scapegoat. His custodial interrogation is not required. No recovery is to be effected from him. Co-accused Prince Kajla and Baldev Singh have been extended benefit of pre-arrest bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

6. Status report has been filed, as per which, after receipt of the complaint, a preliminary inquiry was conducted by the police and it was revealed that by gaining confidence of the complainant and his son, the petitioner had showed him some land which the latter had agreed to purchase. The dealer Jarnail Singh played a significant role in facilitating the deal and at the behest of the petitioner and introduced the complainant with Balraj Gill, Jarnail Singh and Amitinder Singh. The complainant issued cheques for different amounts of money in favour of the vendors Amitinder Singh and Nasib Singh. The petitioner by representing that one Gurdeep Singh was also share holder in the land, had procured a blank signed cheque from the complainant, whereas the son of the petitioner took an amount of Rs. 81 lakh in cash from the complainant for disbursement to the seller party. The petitioner by mis-representing the facts had taken substantial amount of money from the complainant. He retained a sum of Rs. 81 lakh with himself.

2026.PHHC.032299



It was also discovered that the land in question was *shamlat* which could not be sold.

7. It is further argued by learned State counsel that the allegations against the petitioner are serious in nature. He was the master mind of the entire transaction and by hatching a conspiracy with the co-accused, by misleading the complainant and by concealing the material facts, had induced him thereby causing wrongful loss of money to him. It is submitted that for recovery of the money which was usurped by the petitioner along with his son and for conducting thorough and proper investigation, custodial interrogation of the petitioner is must. No extra ordinary or exceptional circumstance has been made out for granting benefit of bail to the petitioner. Therefore, it is stressed that the petition does not deserve to be allowed.

8. This Court has heard learned counsel for the parties at considerable length.

9. The petitioner is alleged to have induced the complainant and his son to buy land in question while fully knowing that it was *shamlat* land and could not be sold legally. He is also alleged to have received a sum of Rs. 81 lakh as his share and also got issued blank cheque from the complainant. The allegations against him are serious in nature. For conducting thorough and proper investigation in the matter, his custodial interrogation is required. Even otherwise, the well settled proposition of law is that custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail and even in cases

2026.PHHC.032299



where custodial interrogation is *prima facie* not required, pre-arrest bail may be denied keeping in view the other factors of the case. Reference in this regard can be had to the observations made by the Hon’ble Apex Court in *Sumitha Pradeep v. Arun Kumar C.K. and another, 2022 (4) R.C.R. (Criminal) 977*, wherein it was observed so and it was further held that the first and the foremost thing to be considered for grant of anticipatory bail is the *prima facie* case put up against the accused. The nature of the offence along with the severity of the punishment should be looked into and custodial interrogation can be one of the grounds to decline pre-arrest bail. The powers for grant of pre-arrest bail are required to be exercised in extra ordinary or sparing circumstances, however, no such exceptional circumstance appears to have been made out in this case. In view of the discussion as made above, this Court is of the considered opinion that there is no compelling ground to allow the petition. Accordingly, the same is dismissed.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

26th February, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |