



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

(147)

**CRM-M-15243-2026(O&M)
DATE OF DECISION: 05.05.2026**

Som Parkash @ Som Nath

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.K.B.Raheja, Advocate, for the petitioner.
Mr.Anup Singh, AAG, Punjab.
Mr. Simranjot Singh Nagra, Advocate,
for respondent no.2/complainant.

SUBHAS MEHLA, J (ORAL)

CRM-19831-2026

Allowed, as prayed for.

Annexure P-9 is taken on record, subject to all just exceptions.

CRM-M-15243-2026

1. This is the first petition filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.25 dated 13.02.2026, under Sections 329(3) and 316(2) of BNS, registered at Police Station Talwandi Bhai, District Ferozepur (Annexure P-1).

2. Brief facts of the case are that the complainant/respondent no.2 is the 3rd wife and widow of petitioner's deceased son Chandan Grover. Complainant has alleged that after the death of Chandan Grover, the present petitioner and other family members in connivance with each other have illegally assumed control of the shops owned by her deceased husband with the intent to deprive her of her rightful share from her husband's property.

Complainant has further alleged that the deceased husband's son from



second marriage, Bhavesh, was being brought up by her and her deceased husband. However, after her husband's death, she was enticed to send over the son Bhavesh to the petitioner's house citing his ill-health, and in the meanwhile, the credentials as to parents of the child were altered in school records and Bhavesh was never returned to her custody. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner had purchased two shops of 10x15 and 10x15 from Anil Kumar, and his deceased son, Chandan Grover, converted both these shops into one; that although shop was in the name of Chandan Grover, but it was purchased by the family; that there is no documentary proof that this shop was ever run by Chandan Grover; complainant/respondent no.2 has also filed a civil suit for declaration of her share in the property, which is pending before the trial Court. Learned counsel further argues that there is no truth in the allegations levelled against him, hence, prayed for relief of anticipatory bail to the petitioner.

4. In pursuance of advance notice, Mr.Anup Singh, AAG, Punjab, appears and submits that Status Report by way of affidavit of Karan Sharma, PPS, Deputy Superintendent of Police (Rural), Ferozepur, has already been filed.

Learned State counsel submitted that the property belonged to the husband of the complainant and there are registered documents to that effect i.e in the shape of sale deed / registry in the name of Chandan Grover; that the petitioner had earlier dis-inherited his son i.e deceased husband of complainant; that petitioner and the deceased were doing business



and another is Grover Cloth House, and that the shop in question i.e Grover Creations has been illegally occupied by the petitioner.

Learned State counsel also apprised the Court that inquiry has been conducted by the SP, HQ and on the basis of investigation, FIR has been registered after the recommendation and in inquiry, it is found that shop belongs to the husband of the complainant and the petitioner illegally occupied and sold the stock lying therein.

5. Mr.Simranjot S.Nagra, Advocate, appeared on behalf of complainant and filed his *vakalatnama*, with no objection from the previous counsel, same is taken on record. Learned counsel has placed on record copies of documents, that are taken on record, subject to all just exceptions. Learned counsel for complainant, to support his case, placed on record the documents i.e Affidavit dated 27.06.2011 showing that deceased was disinherited by the petitioner; Affidavit dated 02.06.2025 to the effect that custody of Bhavesh son and biological daughter of complainant is only with complainant; SARFAESI notice dated 11.10.2025 to the effect that there was CC limit of Rs.7,00,000/-, which was taken by the husband of the complainant and bank is sending notice for recovery of limit and for recovery of loan on car; photographs dated 13.06.2025 to show that stock was filled in shop and there are two floors; and photocopies of registries Annexures P-5 and P-6 to show that husband of the complainant was the owner of the shop. Learned counsel further argued that the petitioner has tried to change the parentage of the son of the complainant without any due process or without any knowledge or consent of the complainant; same was done in conspiracy with other relatives and relied upon photocopy of details



26. Learned counsel argued that the petitioner actively participated to give effect to the ill intent to throw out the complainant out of the property of her deceased husband in order to grab the property of her deceased husband, over which, complainant and son Bhavesh have a rightful claim; civil suit in this regard has already been filed, and the matter is pending before the learned trial Court. Hence, prayer for dismissal of present petition is made.

6. Heard.

7. As per the contentions of the learned counsel for the parties and the facts and circumstances of the case, there is documentary evidence that prima facie the shop in question was owned by the deceased husband of the complainant; the allegation against petitioner is that he illegally assumed control over the shop and deprived the complainant of the proceeds/benefits therefrom; it is also alleged that School Records as to parentage of complainant's step-son were tampered; that complainant had the custody of her step-son but the same was disturbed by luring complainant to send the son for a few days on the pretext that petitioner was suffering from ill health, however, the same was found to be not true, and the son was never sent back to the petitioner; it is further alleged that all these acts of the petitioner are with the sole intent to usurp the property and assets of complainant's deceased husband.

8. In view of the aforesaid reasons, at this stage, this Court is not inclined to grant the extra-ordinary relief of anticipatory bail to the present petitioner. Anticipatory bail is an extraordinary relief, to be granted sparingly, only in exceptional cases deserving of the concession. Recently, Hon'ble Apex Court in *Srikant Upadhyay v. State of Bihar, 2024 INSC*



202, has made the following observation with regard to concession of Anticipatory Bail:-

“We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule..... While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.”

9. In the considered opinion of this Court, custodial interrogation of the petitioner is imperative for conducting a thorough and effective investigation, and so that investigation is not scuttled. Hon’ble Apex Court in ***State Represented by the C.B.I. v. Anil Sharma, 1997(7) SCC 187***, has emphasized the importance of custodial interrogation by holding that useful information and concealed materials may be elicited from a suspect in custody, than a suspect who is well-protected by anticipatory bail, wherein interrogation may be reduced to a mere ritual.

10. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

11. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.



12. All pending misc. applications, if any, be also disposed of.

05.05.2026
mamta

(SUBHAS MEHLA)
JUDGE

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