

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

CRM-M-15993-2026

Date of decision: 28.04.2026

PAWAN KUMAR**....Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

Mr. Avtar Singh Bhatti, Advocate for the complainant.

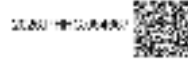
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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.56 dated 25.02.2026 registered under Sections 318(4), 336(2), 338, 336(3), 340(2) of BNS, 2023, at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-5).

2. Brief facts as per the prosecution case are that the petitioner tampered with the copy of the sale-deed retained in the office of the Sub-Registrar and therefore, defrauded the complainant. Hence, the present FIR.

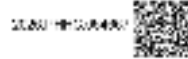
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no connection with the alleged tampering. He argued that there was one more official working with him who was also having the access of the record



and the sale-deed in question could have been tampered by him. He submits that the petitioner was already transferred from his position prior to the disputed mutation entries and the petitioner had already relinquished the charge and another official had taken over. He submits that there is no record to show that the alleged tampering has been done by the petitioner. He submits that otherwise also the cheques issued by the vendees to make the payment of sale consideration have already been dishonoured and the said sale-deed is already under challenge. He further submitted that the petitioner is a government official and he is not likely to flee away and is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Hence, he prays that present petition be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Hoshiarpur, vide order dated 18.03.2026.

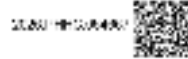
5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He submitted that even though mutation entries were made after petitioner's transfer, but the documents were tampered prior to that by the petitioner. He argued that the petitioner is specifically named in the FIR. He further argued that the petitioner being government official



office of the Sub-Registrar, Hoshiarpur. He submits that from the facts, it prima facie appears that the petitioner has tampered the sale deed. He submits that when a government official tampers with the record which is under his custody he betrays the trust reposed upon him. He further submitted that the custodial interrogation of the petitioner is required for proper probe to collect the material evidence. Hence, he prays for dismissal of the petition.

6. Learned counsel appearing on behalf of the complainant adopts the submissions made by learned State counsel and has opposed to the relief sought by the petitioner.

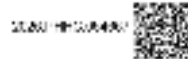
7. After hearing learned counsel for the parties and perusing the material available on record, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The petitioner is specifically named in the FIR and, being a government official, was entrusted with the custody of the relevant sale-deed records in the office of the Sub-Registrar, Hoshiarpur. The contention raised by learned counsel for the petitioner that another official also had access to the records does not absolve the petitioner of his responsibility, particularly when he was the custodian of the said documents. At this stage, the investigation is still in progress and the custodial interrogation of the petitioner is required for a fair and effective investigation, particularly to ascertain the manner in which the alleged tampering was carried out and to collect relevant evidence. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations



the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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 interest(s). 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

9. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, the Supreme Court held as under: (SCC p.386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty".

Economic Offences

*78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in economic offences, the accuse is not entitled to anticipatory bail.*

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83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail".



10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

28.04.2026	(RUPINDERJIT CHAHAL)
puneet	JUDGE
i)	Whether speaking/reasoned? Yes/No
ii)	Whether reportable? Yes/No