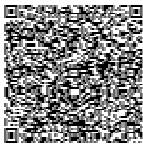


2026:PHHC:065951



107

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20090-2026

Lovepreet Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: April 29, 2026
Date of Uploading: April 30, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saurav Kanojia, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.
Ms. Anjali Singh, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS')
for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR
No.304 dated 08.12.2025, registered for the offences punishable under
Sections 406 and 420 of the IPC, 1860, at Police Station Sohana, District
SAS Nagar (Mohali).

2. The gravamen of the allegations against the petitioner is that the
complainant, namely, Jaswant Singh, alleged that on 19.03.2024, he entered
into an agreement to sell for the purchase of Plot No.2946, Block C,
Aerocity, Mohali, for a total consideration of ₹1,77,00,000/-. He paid

₹25,00,000/- as earnest money, out of which ₹20,00,000/- was paid through bank transfer and ₹5,00,000/- in cash in the presence of witnesses. The deal was facilitated by mediator Rupinder Kaur Mann, who also received an additional amount of ₹2,50,000/- from the complainant in the presence of Sharanjit Singh son of Ajmer Singh. It is alleged that thereafter, Rupinder Kaur Mann dishonestly began demanding an additional ₹1,50,000/-, which the complainant refused to pay. She unlawfully retained the original agreement to sell on the pretext that it would be handed over only upon payment of ₹4,00,000/-. It is further stated that the original *biana* remained in her possession to the knowledge of Sharanjit Singh.

The property in question is owned by accused Balwinder Singh and Gurbinder Singh, both NRIs, each holding a 50% share, who had executed a General Power of Attorney in favour of Lovepreet Singh (*petitioner herein*) and Kirandeep Kaur Gill, authorizing them to obtain the requisite NOC and complete the sale transaction. However, it is alleged that GPA holder Lovepreet Singh (*petitioner herein*), in connivance with Rupinder Kaur Mann, actively participated in the transaction and subsequently developed dishonest intentions, making illegal demands for additional money under the guise of commission.

Despite being bound to secure the necessary NOC for execution of the sale deed, the accused persons failed to even apply for the same. Instead, acting in collusion, they issued a legal notice to the complainant based on a false and fabricated story, alleging that the complainant had himself cancelled and destroyed the agreement dated 19.03.2024 and that the earnest money of ₹25,00,000/- had been refunded in cash—an assertion categorically denied by the complainant. The complainant duly replied to the

said notice and maintains that the original agreement to sell continues to remain unlawfully in the possession of Rupinder Kaur Mann.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that no specific, direct or overt act has been attributed to the petitioner and the allegations against the petitioner are vague, omnibus and general in nature. Learned counsel has argued that there is no material to demonstrate the involvement or culpability of the petitioner in the present case. Learned counsel for the petitioner has contended that no allegation has been made against the petitioner regarding receipt of any earnest money, nor is there any recovery to be effected from him. Learned counsel has submitted that the dispute in question is purely civil in nature and by lodging the FIR in question, the complainant has tried to give the same a criminal colour. Learned counsel has submitted that even the petitioner is neither the signatory nor party to the alleged agreement to sell. Learned counsel has submitted that due to failure at the end of the complainant to provide certain documents and cooperation, process of obtaining requisite NOC could not be completed and such delay is not attributable to the petitioner who was merely acting as an authorized representative of the real owners of the petitioner, being a GPA holder – the petitioner has no independent or personal interest in the transactions.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued

that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel, while raising submissions in tandem with the status report by way of an affidavit dated 26.04.2026, which is already on record, has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Relevant of the said status report reads thus:

“4. That as far as role of the petitioner is concerned, it is respectfully submitted the petitioner is a close relative of the owner of the property namely Balwinder Singh, who has executed POA in favour of the petitioner. Further, it is submitted that there is a legal notice dated 07.12.2024 which had been issued to complainant by Advocate Akash Sharma on behalf of accused/petitioner Lovepreet Singh. In the said notice, it had been mentioned that since the complainant was unable to arrange the amount in question, the agreement to sell in question was cancelled and that the complainant had even destroyed the original agreement to sell on 03.11.2024 and had received back the entire settled amount in cash on the same date in the presence of the witnesses. During the enquiry proceedings, on 23.08.2025, accused/petitioner had suffered statement before the DSP that the complainant had not got the sale deed executed since balance amount could not be arranged by him and thus his tenor was indicative of forfeiture of the earnest amount. Thus, the subsequent claim made by the accused/petitioner on 23.08.2025 was in stark conflict with the above referred notice in which it had been claimed that the earnest amount had been already returned. Therefore, repeatedly shifting and discrepant stances of the accused/petitioner coupled with categorical imputations against him indicate towards the existence of deceitful intentions at the very inception of the transaction to cheat the complainant. Further, it was the accused/petitioner who had introduced the complainant to the owners and had played a proactive role in the entire transaction. Apparently and evidently an attempt has been made to usurp the earnest money in question.”

4.1. Learned State counsel has further asserted that considering the seriousness of the allegations, custodial interrogation of the petitioner is necessary to unearth the broader conspiracy and recover the ill-gotten money. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he

is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

4.2. Learned counsel for the complainant, while raising submissions in tandem with the submissions of learned State counsel, has also vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations leveled against the petitioner are serious in nature. Learned counsel has submitted that petitioner, in connivance with his co-accused, has attempted to usurp the earnest money of the complainant. Learned counsel has submitted that, in case, the petitioner is granted the concession of anticipatory bail, there is all likelihood that the petitioner may abscond from the process of justice as also interfere/ intimidate the prosecution witnesses/ evidence. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. A perusal of the material on record shows that the petitioner had introduced the complainant to the real owners of the property in question and, thus, had clear and proactive role in the entire transaction. It is further borne out that an attempt has been made to usurp the earnest money of the complainant. The conduct of the petitioner *prima facie* reflects dishonest and deceitful intentions from the very inception of the transaction. The petitioner being closely related to the owner and holding a Power of Attorney played an active and dominant role in the entire deal and introduced the complainant to the real owners. A legal notice dated 07.12.2024 issued on his behalf categorically stated that the agreement

to sell had been cancelled and that the entire amount had already been returned in cash on 03.11.2024 to the complainant. However, during enquiry proceedings on 23.08.2025, the petitioner took a completely contradictory stand before the DSP, stating that the complainant failed to arrange the balance amount and, thus, the earnest money stood forfeited. These mutually inconsistent and shifting stands clearly indicate an attempt to mislead the authorities and wrongfully usurp the earnest money. The contradictions go to the root of the matter and establish a *prima facie* case of cheating and fraud.

6.1. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. 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 interests. 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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment

in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997*

SCC (Cri) 1039], the Supreme Court held as under : (SCC p. 189, para 6)

“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 informations 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.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 29, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No