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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20753 of 2026

Karan Joshi... Petitioner

Versus

State of Punjab... Respondent

1.	The date when the judgment is reserved	04.05.2026
2.	The date when the judgment is pronounced	05.05.2026
3.	The date when the judgment is uploaded on the website	05.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Sehgal, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

Mr. Naveen Bawa, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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“BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Section
125	18.09.2024	Model Town, District Police Commissionerate Ludhiana, Punjab	420 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Pooja Maurya alleging therein that the accused Mohammad Asgar was doing the business of property dealer with her husband since long. Her husband had disclosed to her that he had purchased a plot measuring 270 square yards in Village Haibowal Kalan but due to some mistake in mentioning of the Khasra number in the sale deed, the same was required to be corrected and for this purpose, he had handed over the original sale deed and cash amount of Rs.1,50,000/- to accused Mohammad Asgar. Her husband died on 22.06.2017. After death of her husband, she contacted accused Mohammad Asgar and asked about the correction in the sale deed. The said accused assured her that the matter was lying pending before the Tehsildar and her sale deed would be returned after due correction. However, he told her to part with a sum of Rs.2 lakhs for getting the needful done. He extracted the aforementioned amount of money from her. Sometime thereafter, he showed some document to her saying that the Tehsildar had approved the correction in the sale deed but the concerned Patwari and Kanungo were demanding a sum of Rs.1 lakh each for proceeding further and otherwise threatening to raise objection. On being

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induced by accused Mohammad Asgar, the complainant gave two self cheques of amount of Rs.1 lakh each which were got encashed by the aforementioned accused. By alleging that the accused Mohammad Asgar despite extracting huge money from her husband and herself had failed to give the sale deed back to her thereby cheating her and as such, she prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. Apprehending his arrest, the accused Mohammad Asgar moved an application for anticipatory bail which was dismissed by the Sessions Court but had been allowed by the Coordinate Bench of this Court on 14.01.2025 passed in CRM-M-61965-2024. The above named accused on joining investigation suffered a disclosure statement on the basis of which the petitioner was nominated as co-accused. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 08.04.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused Mohammad Asgar which cannot be considered to be legally admissible in evidence. As per the disclosure statement made by the co-accused Mohammad Asgar, he had received approximately Rs.12 lacs from the co-accused Mohammad Asgar. However, there is no material at all on record to show that at any point of time, he had projected himself to be a

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Patwari or had received any money whatsoever either from the complainant or from the co-accused Mohammad Asgar. Infact, it is the co-accused Mohammad Asgar who was named in the FIR and not the present petitioner. The ingredients for commission of offence punishable under Section 420 of IPC are not at all attracted qua him as there is no material whatsoever to show that there was any inducement on his part of the complainant to part with any money. He is not beneficiary of any transaction. The complainant appears to have voluntarily given some bribe for getting her work done from a public servant through the co-accused Mohammad Asgar. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join investigation. The accused Mohammad Asgar has been extended benefit of anticipatory bail. His case is even at a better footing. It is, thus, urged that the petition deserves to be allowed.

5. Power of Attorney as filed by the complainant is ordered to be taken on record. Status report has been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. His active complicity in the crime stands established from the disclosure statement of the co-accused. For the purpose of conducting thorough and proper investigation in the matter, his custodial interrogation is required. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused Mohammad

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Asgar is alleged to have extracted approximately Rs.12 lacs from the complainant on the premise of getting the land record qua her plot corrected with the Revenue Department. As per the statement of the co-accused, the petitioner had projected himself as a Patwari and had assured to get the revenue record in respect of property owned by the husband of the complainant corrected. Interestingly, the complainant had not named the petitioner as an accused. Neither there is an allegation that he had induced the complainant in any manner whatsoever with some dishonest intention. The veracity of the disclosure statement of the co-accused has to be considered only on thorough assessment of the evidence to be produced during trial and not at this stage. It is well settled proposition of law that pre trial incarceration should not be a replica of post conviction sentencing. Given the nature of the allegations as levelled against the petitioner, this Court is of the considered opinion that the pre trial incarceration of the petitioner is not required. As such, without commenting on the merits of the case and in view of the above discussed facts, it is observed that the petitioner has made out a case for grant of anticipatory bail.

8. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and joining investigation. On his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing

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personal/surety bonds to his/her satisfaction. He shall also follow these conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required during the course of investigation.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.
- (iv) He shall not leave the country without prior permission of the Court.
- (iv) He shall deposit his passport if any, with the jurisdictional Magistrate/trial Court.

9. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

05.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No