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

**CRM-M-29195-2026
Date of decision: 29.05.2026**

VIKAS SHARMA AND ANR. ….Petitioners

Versus

STATE OF PUNJAB ....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Vishal Malik, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

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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 petitioners in case FIR No.15 dated 01.07.2025 registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station NRI, Jalandhar.

2. Brief facts as per the prosecution case are that the petitioners in connivance with each other entered into agreement to sell with the complainant-Inderjeet Kaur for purchase of a property and paid an amount of Rs.1,25,00,000/- which was forfeited due to non-compliance of the terms of the agreement by the petitioners and they further prepared forged and fabricated receipts showing payment of additional amounts and used them to create a false claim upon the said property. Hence, the present FIR.

3. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. He argued that the complainant had voluntarily entered into the agreement dated

08.02.2024 and acknowledged the receipts of the payments and thus, there is no allegation of demonstrating fraudulent intent. He further submits that the forensic examination report shows that the questioned thumb impressions and signatures of the complainant on different documents are of the same person. He further submits that the complainant's husband has acknowledged receiving an amount of Rs.3,25,00,000/- as part of the sale consideration from his Whatsapp number. He submits that the petitioners have paid crores of rupees to the complainant and now she has filed a false case against the petitioners with a malafide intention. He further submits that the entire case is civil in nature and the same has been given criminal color by lodging the present FIR. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. Learned counsel for the petitioners further submitted that the petitioners are 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 her arrest, the petitioners had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Jalandhar, vide order dated 06.08.2025.

5. On the other hand, learned State counsel has filed the status report in the matter and he while referring to the same, has opposed the prayer of the petitioners for grant of anticipatory bail on the ground that the

allegations levelled against the petitioners are serious in nature. He argued that the petitioners are specifically named in the FIR. He further argued that the petitioners in collusion with each other entered into an agreement to sell dated 08.02.2024 with the complainant for purchase of a property and paid an amount of Rs.1,25,00,000/- as earnest money. He submits that the petitioners in furtherance of a pre-planned conspiracy prepared and relied upon forged and fabricated receipts dated 26.03.2024 and 25.05.2024 purportedly showing payment of additional amounts and extension of time for execution of sale deed, despite the complainant having categorically denying execution of any such documents. He further submits that the petitioners used these forged and fabricated documents as genuine by instituting a civil suit and obtained an interim stay order in respect of the property in question thereby attempting to create a false claim thereby with the common intention deceived the Court and cause wrongful loss to the complainant. He further submits that the petitioner No.2 had actively asserted control over the property by sending persons to the spot and representing that the property was under litigation, thereby interfered with the possession and rights of the complainant. He further submits that the disputed documents are required to be verified through forensic examination by the competent authorities, for which recovery of original documents is essential. He further submitted that the custodial interrogation of the petitioner is required to ascertain the modus operandi adopted by them. Hence, he prays for dismissal of the petition.

6. Mr. Vinod Ghai, Sr. Advocate and Mr. Arnav Ghai, Advocate have entered appearance on behalf of the complainant and adopts the

submissions made by learned State counsel and submits that the anticipatory bail of the petitioners be dismissed as the petitioners have actively participated in the offence and cheated the complainant.

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 allegations levelled in the FIR reveal a well-planned act of forgery and fraud. A perusal of the allegations levelled in the FIR would show that the petitioners are specifically named and attributed active roles in the alleged commission of offences involving cheating, forgery and use of forged documents. The allegations against the petitioners are not confined merely to breach of contractual obligations arising out of an agreement to sell, but extend to the preparation and use of allegedly forged receipts dated 26.03.2024 and 25.05.2024, purportedly evidencing payment of further amounts and extension of time for execution of the sale deed. The complainant has categorically denied execution of the said documents. The material placed on record indicates that the disputed documents were allegedly relied upon by the petitioners in judicial proceedings to obtain an interim order with respect to the property in question. Such allegations, if proved, would constitute serious offences affecting not only the complainant but also the administration of justice. The plea of the petitioners that substantial payments have already been made to the complainant and that the complainant's husband acknowledged receipt of certain amounts are to be examined during the course of investigation and trial. Likewise, the forensic report relied upon by learned counsel for the petitioners cannot be

conclusively appreciated at this preliminary stage, particularly when the investigating agency has specifically stated that the original disputed documents are required to be recovered and subjected to further forensic examination by the competent authority. It is also significant that the investigation is still at a nascent stage. The State has specifically asserted that custodial interrogation of the petitioners is necessary to ascertain the modus operandi adopted in the preparation and use of the alleged forged documents and to effect recovery of the original documents. Custodial interrogation of the petitioners appears necessary for unearthing the complete modus operandi, trace the money trail and recover the cheated amount. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioners 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)*
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> *"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 enroped 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 petitioners 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.

(RUPINDERJIT CHAHAL)
JUDGE

29.05.2026
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i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No