IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

2026:PHHC:050196

1. CRM-M-33932-2025 (O&M)

Indu Kansal ... Petitioner

Vs.

State of Punjab ... Respondent

2. CRM-M-34511-2025 (O&M)

Parveen Kumar Kansal & another ... Petitioners

Vs.

State of Punjab ... Respondent

3. CRM-M-34072-2025 (O&M)

Tarsem Singh Mittal ... Petitioner

Vs.

State of Punjab ... Respondent

1.	The date when the judgment is reserved	25.03.2026
2.	The date when the judgment is pronounced	01.04.2026
3.	The date when the judgment is uploaded on the website	01.04.2026
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. Vinod Ghai, Senior Advocate with
Mr. R.S. Bagga, Advocate and
Mr. Arnav Ghai, Advocate for the petitioner(s),
in CRM-M-33932-2025 and CRM-M-34511-2025.

Mr. R.S. Rai, Senior Advocate with
Mr. Sukhsharan Sra, Advocate for the petitioner,
in CRM-M-34072-2025.

Mr. Deepender Singh, Addl. Advocate General, Punjab and
Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Vikas Bali, Advocate for the complainant.

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Manisha Batra, J. (Oral).

1. This common order shall dispose of the abovementioned three petitions bearing **CRM-M No.33932-2025 (Indu Kansal Vs. State of Punjab), CRM-M No.34511-2025 (Parveen Kumar Kansal & another Vs. State of Punjab)** and **CRM-M No.34072-2025 (Tarsem Singh Mittal Vs. State of Punjab)** as all these petitions have been filed by the petitioners seeking benefit of pre-arrest bail in case arising out of FIR No.10, dated 11.06.2025, registered under Sections 420 and 120-B IPC (offences under Sections 465, 466, 467, 468, 471 IPC were added lateron), at Police Station Economic Offences Wing, Vigilance Bureau, Ludhiana.

2. As per the allegations, Naresh Kumar Garg and Payara Lal Garg (hereinafter to be mentioned as 'the victims') had lodged complaints before the Vigilance Bureau, Economic Offences Wing, Ludhiana and Vigilance Bureau, SAS Nagar, Mohali. After conducting inquiry, recommendation was made for registration of the FIR on these complaints.

The victims alleged that they were additional directors of Motiaz Royale Estate Private Limited (hereinafter to be referred to as **'the company'**). A sale deed bearing registration No.1013 dated 25.04.2021 was registered in the name of victim Naresh Kumar Garg whereas two sale deeds bearing Nos.1606 and 1607 both dated 05.05.2011 were registered in the name of victim Pyara Lal Garg in respect of certain properties. In the year 2013, three supplementary sale deeds were executed and registered qua the same properties thereby transferring the ownership thereof in the name of the company. The victims alleged that while registering these sale deeds, the then Naib Tehsildar i.e. petitioner in CRM-M-34072-2025 did not call the victims and transfer was made without their knowledge, consent or without making payment of any sale consideration amount. By alleging that the petitioners, namely, Neeraj Kansal, Parveen Kumar Kansal and Indu Kansal, who were Directors of the company in connivance with petitioner/Tarsem Singh Mittal and to cheat and cause wrongful loss to the victims, got registered supplementary sale deeds in favour of the complainant thereby cheating them, they prayed for taking action.

3. After registration of the FIR, investigation proceedings have been initiated and are underway. The petitioners, namely, Neeraj Kumar Kansal, Parveen Kansal and Indu Kansal jointly moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 27.06.2025 whereas the petition filed by petitioner, Tarsem Singh Mittal, had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana as on 18.06.2025.

4. It is argued by Mr. Vinod Ghai, learned senior counsel for the

petitioners, namely, Neeraj Kansal, Parveen Kumar Kansal and Indu Kansal that they have been falsely implicated in this case. The victims, who were desirous of developing a project in New Chandigarh along with the company, had been appointed as additional directors thereof. They did not contribute anything towards share capital of the company. It was the company that had purchased land for development of a project and three sale deeds dated 25.04.2011 and 05.05.2011 respectively were executed and registered for that purpose. The victims were not present at the time of execution of these sale deeds and the sale deed had been signed on behalf of the company by some representatives. It was only on account of some inadvertent error that the names of the victims were incorporated as purchasers in the sale deed.

5. It is further argued that in the year 2012, while some deal qua collaboration of the company with one M/s Altus Space Builders Private Limited (for short **'M/s Altus Space Builders'**) was in the offing that the petitioners came to know about the mistake which had crept in the abovementioned sale deeds by showing names of the victims as purchasers of the properties as mentioned therein instead of that of the company. It is submitted that a meeting of the Board of Directors of the company was convened on 04.09.2012, which was attended by the victims also. A decision was taken in that meeting to get rectified the mistakes having crept in sale deeds executed in favour of the victims rectified. Minutes were accordingly prepared. Thereafter, even a Memorandum of Understanding (MOU) was prepared on 19.12.2012 and then three supplementary sale deeds were executed and registered on 04.12.2013 and 27.12.2013 respectively. The

victims in accordance with the terms of the MOU were authorized to sign the draft agreement on behalf of the company with M/s Altus Space Builders and agreements were also signed by them. It is urged that the petitioner Indu Kansal had been inducted as a Director only on 01.12.2011 and she resigned as on 11.10.2016 whereas petitioners, Parveen Kumar Kansal and Neeraj Kansal ceased to be Directors w.e.f. 01.07.2017.

6. It is further argued that the victims were very well aware about the fact that the supplementary sale deeds were got executed and registered and there was no illegality in the registration of the same. Since the sale consideration amount of the sale deeds executed earlier had also been given by the company itself, therefore, there was no reason to give any such amount to the victims, who even otherwise had not contributed to the share capital. There was no malafide on the part of the petitioners and the decision to get the supplementary sale deeds executed was taken as per the resolution of the company.

7. Learned Senior counsel has further argued that there is delay of 14 years in getting the FIR registered. The victim Naresh Kumar Garg was served with a notice by the Income Tax Department to explain the investment regarding purchase of land in New Chandigarh and he had sent a reply to the said notice to the Income Tax Department saying that the land was purchased by the company thereby admitting that it was wrongly shown to be purchased in his name. It is argued that the victims subsequently filed a civil suit seeking declaration that they were owners in joint possession of land in dispute only with intent and ulterior motive to extort money from the petitioners and the company. The matter before the Civil Court had been

amicably settled but still this FIR has been lodged to arm-twist the petitioners. The ingredients for commission of the offence punishable under Section 420 IPC are not attracted qua them. No case for commission of offence of forgery is made out against them as well. They have already joined investigation and are ready to join further investigation as and when required. The dispute is of civil nature and is based on documentary evidence. No recovery is to be effected from them. They have already shown all the original relevant documents to the Investigating Officer. Their custodial interrogation is not required. It is, therefore, urged that the petitions filed by them deserve to be allowed.

8. Mr. R.S. Rai, learned Senior counsel for the petitioner Tarsem Singh Mittal has argued that the FIR has been registered on the complaint of officials of Vigilance Bureau with regard to a civil dispute between the private parties. He while posted as Sub Registrar at Kharar had executed Tatima sale deeds bearing Nos.9488, 9489 and 1067 dated 02.02.2013. The Tatima sale deeds were registered as per a MOU dated 19.12.2012 duly signed by the victims. The Tatima sale deeds were executed by Harjeet Singh and Satbir Singh, who were the same persons, who had executed the original three sale deeds. The executants of the supplementary sale deeds have not denied execution of the sale deeds. The petitioner performed his official duty while registering these supplementary sale deeds and he had no personal interest in the property in dispute. A resolution dated 04.09.2014 was passed in the meeting of Board of Directors of the company clearly showing that the victims had given their consent for execution of the supplementary/tatima sale deeds.

9. It is further argued that it was the company, that was virtually managing the entire transaction. The recital qua the names of the victims in the sale deeds, was wrong. They never came in actual physical possession of the land which was subject matter of the sale deeds executed in the year 2011. The entire sale consideration amount was also paid by the company. In the MOU dated 19.12.2012, victim Naresh Kumar Garg had categorically acknowledged that the various sale deeds were either in the name of the company and that land purchased in the names of the Directors was also absolute property of the company and none of its Directors had any direct/indirect personal interest in the same.

10. It is submitted that the victims had knowledge about the tatima sale deeds since the day of their execution itself. Victims Naresh Kumar Garg even filed a suit but then compromised the matter with the co-petitioners in pursuance of some settlement being a revenue officer. He had followed due procedure of law and only executed tatima sale deeds. He has already joined investigation and is ready to join further investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition filed by him also deserves to be allowed.

11. Per contra, learned State counsel while relying upon the reply filed by respondent-State and assisted by learned counsel for the complainant, has vehemently argued that there are serious and specific allegations against the petitioners. Petitioners Parveen, Neeraj and Indu Kansal were directors of the company. With an intent to cheat and defraud the victims, they got prepared a fake and fabricated resolution dated

04.09.2012 seeking approval of execution and registration of supplementary sale deeds qua transfer of properties which were purchased in the names of the victims by three sale deeds registered in the year 2011. On the basis of this false resolution and by conniving with the petitioner Tarsem Singh Mittal, they got executed and registered the supplementary sale deeds in the year 2013. Even after joining investigation, these petitioners have not been able to place before the Investigating Agency, the original resolution dated 04.09.2012 and this fact prima facie shows that the resolution dated 04.09.2012 was a fake and forged document prepared only with an intent to cause wrongful loss to the victims. The victims had no knowledge about transfer of the land purchased in their names, in favour of the company. The Income Tax notice does not show that it was pertaining to the properties in question. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioners is must.

12. It is further argued that petitioner Tarsem Singh Mittal was a revenue officer in that capacity, it was his duty to get the documents executed and registered only in accordance with law. However, totally in defiance of process of law, he permitted execution and registration of supplementary sale deeds to alter ownership of immovable properties and all this shows his active complicity with the other petitioners in commission of offence of cheating. It is also argued that no exceptional or extraordinary circumstance warranting exercise of powers of this Court to extend benefit of pre-arrest bail to the petitioners is made out. It is, hence, stressed that the petitions do not deserve to be allowed.

13. This Court has heard the rival submissions made by learned

counsel for the parties.

14. As per the allegations, three different chunks of land were purchased in the names of the victims vide three sale deeds, one of which was executed on 25.04.2011 and two were executed on 05.05.2011. Subsequently, two supplementary sale deeds were executed and registered on 04.02.2013 and one supplementary sale deed was registered on 27.02.2013 in respect of the same property, thereby transferring the same in favour of the company. Petitioners, namely, Indu Kansal, Parveen Kumar and Neeraj Kansal have claimed that a resolution dated 04.09.2012 was passed with the consent and knowledge of the victims, who were on the Board of Directors at that time for the purpose of execution of the supplementary sale deeds. A photocopy of that resolution has also been placed on record with the petitions filed by them and relevant extract of this resolution is reproduced as under:

> *"4. **TO REVIEW THE WORKING OF THE COMPANY***
> *"The Chairman informed the Board that by mistake the company's representatives Sh. Harjit Singh and Satbir Singh wrongly mentioned the Director's name (1.5 Sh. Pyare Lal Cur Naresh Garg) before the name of the company Le. Motiaz Royale Estate (P) Ltd in Sales Deeds executed vide Basika No. 1013 Dated 25.04.2011, Basika No. 1607 Dated 05.05.2011 and Basika No. 1606 Dated 05.05.2011. All the Director's present in this meeting have agreed that the above Sale Deeds of Land must be rectified in the name of the company i.e. Motiaz Royale-Estate (P) Limited. "Resolved that the board of directors decided to do the Tatima Registeries of the abovementioned 3 properties in the name of the company which were advertently registered on the name in the Director by the*

> *Tehsildar. Further resolved that to give effect to the resolution Mot shall be prepared between all-board-over directors for Tatima registry of above mentioned 3 properties. The Board authorises Sh. Vikar Gupta for preparing and executing an agreement between the Directors Sh. Naresh Garg-and-Sh Pyara Lal Garg and the company Motiaz Royale Estate (1) through its Director Parveen Kansal to sign that agreement. The ownership of the property solely vests in the name of the company and no one among the Director or their Legal heir has any claim on that property because all the payment were made by the company to purchase that land out of the money received from the prospective buyers of plots from the company. The Board also authorized Sh. Harjit Singh and Sh. Satbir Singh to make correction in the Sale Deeds of the Land executed on 25.04.2011 and 05.05.2011 and to execute the rectified Sales Deeds (Tatima Registries) after the execution of agreement to this effect as early as possible."*

15. Learned Additional Advocate General, Punjab has submitted that even after joining of the petitioners into investigation and granting opportunity to them to produce the original resolution dated 04.09.2012, they have not been able to produce the same before the Investigating Officer. These petitioners are also relying upon one MOU dated 19.12.2012 executed between the victims and the company as first party with second party M/s Altus Space Builders thereby giving consent for land pooling, which was subject matter of the sale deeds executed in the year 2011. This MOU had been signed before the execution and registration of supplementary sale deeds and not after that. As such, at this stage, nothing is reflected from this MOU that the victims were aware about the passing of the resolution dated 04.09.2012 or without giving their consent for the same. The property which

was purchased in the name of the victims was transferred in the name of the company by execution and registration of the supplementary sale deeds. The petitioner Tarsem Singh Mittal being the Sub Registrar, Kharar was instrumental in registration of the supplementary sale deeds.

16. As per the reply by the respondent/State, during the course of investigation, an official clarification was sought from the revenue authorities of SAS Nagar, Mohali, who have reported that the process of executing supplementary sale deeds to alter ownership of immovable property, is not permissible in law. Obviously ownership in an immovable property can be legally transferred only through registered sale deeds by affixing proper stamps and with due participation of original vendors and vendees whereas the victims who were the owners of the property in question were admittedly not present at the time when these supplementary sale deeds were executed and registered. Being a public servant, it was the foremost duty of the petitioner Tarsem Singh Mittal to ensure that the procedure for registration was lawfully done. However, he has not shown to have done so, obviously with mala fide or to have some wrongful gain. The allegations show his active complicity in the conspiracy with the co-accused by approving illegal transactions of transfer of immovable property having considerable value. It is common knowledge that there is no process of law permitting execution of supplementary deeds to alter ownership of an immovable property and whenever some immovable property is to be transferred, then a proper method for legal transfer by way of re-registration, stamping and participation of original vendors as well as vendees is required, which is apparently not done in this case.

17. So far as the petitioners Parveen Kumar, Neeraj Kansal and Indu Kansal are concerned, they were directors of the company at the time of execution of supplementary sale deeds. The lawful procedures had obviously been not followed with an intent to avoid stamp duty, requirement of registration apparently for cheating the victims. The petitioners were the persons who had substantial interest in the Company in whose favour ownership rights have been unlawfully vested and it could not be without the connivance or knowledge of the petitioners. As discussed above, the petitioners have not been able to produce original Board resolution dated 04.02.2012 authorizing execution of the supplementary deeds thereby giving rise to a strong presumption about their complicity in commission of offences of cheating in pursuance of a conspiracy and forging of documents to cause wrongful loss not only to the victim but also to the public as well. As such, for conducting proper and thorough investigation in the matter, custodial interrogation of the petitioner is must.

18. So far as the contention that the case is based on documentary evidence is concerned, it might be so. But the most relevant document i.e. resolution dated 04.09.2012 has not been made available by the petitioners despite the fact that ample opportunity has been given to them for this purpose. Even if it is presumed for the sake of arguments, custodial interrogation of the petitioners is not required, still the well settled proposition of law is that if no case for custodial interrogation is made out by the prosecution, then that alone would not be a good ground to grant anticipatory bail. In this regard, reliance can be placed upon ***Sumitha Pradeep v. Arun Kumar C.K. and another, 2022(4) R.C.R. (Criminal) 977,***

wherein it was observed by Hon'ble Supreme Court that there might be cases in which the custodial interrogation of an accused is not required but that does not mean that the *prima facie* case against the accused should be ignored or overlooked and he should be granted anticipatory bail. In case custodial interrogation of the petitioners are denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely effecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. For conducting effective investigation so as to avoid any loopholes in the same, the custodial interrogation of the petitioners are must. Moreso, it is well settled proposition of law that powers for grant of anticipatory bail are to be exercised in extraordinary and exceptional circumstances and no such circumstance is made out in this case. Taking into consideration the above discussed facts but without meaning to make any comment on the merit of the case, this Court is of the considered opinion that the petitions do not deserve to be allowed. Accordingly, the same are dismissed.

19. Since the main petitions have been dismissed, pending application(s), if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

01.04.2026

harjeet

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