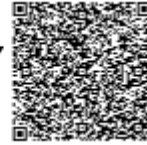


IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:030847



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CRM-M-39494-2025 (O&M)  
Date of decision:25.02.2026

Jasbir Kaur & another

... Petitioners

Vs.

State of Punjab & another

... Respondents

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Manjot Gujral, Advocate and  
Ms. Siddhi Bali, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. B.S. Aulakh, Advocate for the complainant.

...

**Manisha Batra, J. (Oral).**

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking benefit of anticipatory bail in case arising out of FIR No.52, dated 07.06.2025, registered under Section 406 and 420 IPC, at Police Station Kabarwal, District Sri Muktsar Sahib.

2. The aforementioned FIR was registered on the basis of written complaint submitted by complainant – Surjeet Singh, alleging that he had agreed to purchase land measuring 81 kanals and 12 marlas from the petitioners. A written agreement was executed between them on 12.01.2023.

The sale deed was to be executed on 30.05.2023. An amount of Rs.85 lakhs had been given by the complainant in the form of cheques and in cash and he

had also agreed to give one plot owned by him having value of Rs.45 lakhs as consideration amount at the time of execution of sale deed in their favour. However, on the stipulated date, the vendors did not turn up before the office of Tehsildar for registration of the sale deed. The complainant had made inquiries and had come to know that the vendors were not actually owner of the property, which was agreed to be sold to him and false and forged *girdawari* entries had been prepared in connivance with the Patwari and co-accused Lakhwinder Singh, who had induced him to purchase the land. The complainant had also filed a civil suit and had withdrawn the same with liberty to file a fresh one. In the meanwhile, the property, which was agreed to be sold to him was sold to other persons, thereby cheating him.

3. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved two separate applications for grant of anticipatory bail, which have been dismissed by the Court of learned Sessions Judge, Sri Muktsar Sahib vide orders of even date i.e. 08.07.2025.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case by levelling false and general allegations. The dispute between the parties is of civil nature. Ingredients for commission of offence of cheating or criminal breach of trust are not at all attracted against them. They had given GPA for transfer of the subject land in favour of co-accused Lakhwinder Singh. As per the terms of the agreement, it was the complainant, who had to transfer a plot in the name of petitioner No.1 – Jasbir Kaur to comply with the terms of the agreement but he failed to do so. The sale deed could not be executed in favour of the

complainant due to that reason alone. Even a civil suit as filed by the complainant against the petitioners had been withdrawn. At the most, it could be considered as a case of breach of contract, which does not give rise to the offence of cheating. The petitioners are ready to join investigation. Their custodial interrogation is not required. No recovery is to be effected from them. It is, therefore, argued that the petitioners deserve to be extended the benefit of bail.

5. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioners are serious in nature. They had executed an agreement to sell land measuring 81 kanals 12 marlas in favour of the complainant and had received a sum of Rs.85 lakhs as earnest money. The sale deed of the plot of the complainant was to be executed and registered in favour of the petitioners only at the time of registration of the sale deed in favour of the complainant. The petitioners did not turn up with *malafide* intent and to misappropriate the amount of Rs.85 lakhs as taken by them. For the purpose of effecting recovery of the amount given by the complainant and conducting thorough and proper investigation in the matter, custodial interrogation of the petitioners is must. No exceptional and extraordinary circumstance for grant of pre-arrest bail is made out in their favour. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioners in connivance with the co-accused are alleged to have executed an agreement to sell property in favour of the complainant.

However, even after receipt of an amount of Rs.85 lakhs as earnest money, they did not turn up for execution of the sale deed. The allegations against them are that girdawri of the land, which was represented by them to be owned by them, was not infact in their favour and since the very inception of the execution of the agreement, their intention was dishonest. The allegations make out a *prima facie* case for commission of offence of cheating as against the petitioners. The case is at its nascent stage. For conducting proper investigation in the matter, custodial interrogation of the petitioners is must. It is well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such circumstance, however, has been made out in this case. If the petitioners are given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting 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. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

25.02.2026

*harjeet*

(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned :  
Whether reportable :

Yes/No  
Yes/No