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**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50505-2025

Decided on: 22.01.2026

Kulwinder Singh and another

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bipin Ghai, Sr. Advocate with
Mr. Bhupender Ghai, Advocate and
Mr. Deeraj Kumar, Advocate, for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

Complainant in person alongwith
Mr. Amit Chaudhary, Advocate.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioners in a case FIR No.299 dated 07.08.2025, registered under Sections 318(2), 336(2), 336(3), 337 and 340 of BNS, 2023 at Police Station City Kharar, District SAS Nagar.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of the complainants, namely, Amarjit Singh, Kuljinder Singh and Gurinder Singh. In January 2025, complainant Kuljinder Singh was contacted by a person introducing himself as Harbans Singh, claiming to be a property dealer. He showed the complainants a land measuring 87 Kanals 16 Marlas situated at Village Mahale-1, Hadbast No. 124, Tehsil Nawanshahar, District Shaheed Bhagat Singh Nagar, purportedly owned by Darshinder Singh and Birinder Singh. The deal was finalized at Rs.29 lacs per acre, and a token amount of Rs.50,000/- was paid.

The alleged owners assured the complainants that the land was free from



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encumbrances and provided photocopies of Jamabandi and land map, which were also verified through the Patwari. On 22.01.2025, an agreement to sell was executed at Mohali after purchasing stamp papers. The complainants paid Rs.80 lacs in cash and Rs.20 lacs by cheque, totaling to Rs.1 crore. The agreement was signed by the accused persons posing as landowners, witnessed by Harbans Singh, who also signed as a witness. It was further agreed that upon demarcation and delivery of possession, an additional Rs.50 lacs to be paid, which was paid on 28.01.2025, and a receipt was issued. Subsequently, the accused avoided land demarcation on false pretexts. On 30.01.2025, during private drone surveying, a third party informed the complainants that the land was leased and not for sale, and that the persons who executed the agreement were not the real owners. Upon inquiry, the real owner Darshinder Singh confirmed that he had neither sold nor authorized anyone to sell the land and the complainants found out that Harbans Singh is actually Jagdish Kumar son of Mewa Ram, a history sheeter. The accused who impersonated Darshinder Singh, his real identity is Surjit Singh. The third accused who impersonated Balvinder Singh, his whose real identity is yet to be ascertained. Fake Aadhaar cards and forged signatures were used to execute the agreement. The accused thereafter switched off their mobile phones and absconded. The total cheated amount is Rs.1 crore 30 lacs. The accused persons deliberately did not deposit the cheque of Rs.20 lacs, which remains in their possession and can be misused by them. The acts were committed in a well-planned conspiracy by a land mafia using forged documents and impersonation. Thus, request was made



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to take legal action against the accused persons. The FIR was registered and the investigation commenced. During the investigation, both the petitioners i.e. Kulwinder Singh and Karan Singh were arrayed as accused on the basis of disclosure statement made by co-accused Jagdish Kumar and were found to be the main kingpins of the entire fraud who got original owner impersonated through the co-accused by preparing forged documents and cheated the complainants to the tune of Rs.1.30 cores. Apprehending arrest, the petitioners approached the Court of learned Additional Sessions Judge, SAS Nagar, Mohali praying for grant of anticipatory bail, however, after hearing both the side, learned Court declined the same, vide order dated 04.09.2025. Hence, the petitioner are before this Court by way of filing the present petition praying for grant of anticipatory bail.

By virtue of order dated 08.10.2025, petitioner No.1 was directed to join the investigation.

3. Learned Senior Counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present case. It is submitted that the petitioners were neither named in the FIR nor is there any allegation of receipt of money by them. It is further submitted that the complainants never even met the petitioners, and no sale deed was executed either by the petitioners or in their presence. It is submitted that petitioner No.1 Kulwinder Singh has already entered into a compromise with the complainant. It is, therefore, submitted that as the petitioners are not signatory to the alleged sale deed nor they received any amount from the complainants, no *prima facie* case as alleged against them is made out.

Thus, the petitioners deserve to be granted anticipatory bail.



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He further submits that petitioner No.1 has joined the investigation and fully cooperated with the same and thus, the interim order may kindly be made absolute.

4. Complainant is present in person and has submitted that he has compromised the dispute amicably with petitioner No.1, however, there is not compromise with petitioner No.2.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by Senior Counsel for the petitioners. He submitted that there are serious allegations against the petitioners and the co-accused that they prepared forged documents in the names of the original owners, impersonated them, and thereby cheated the complainants with an amount of Rs. 1.30 crore.

However, on instructions, he has affirmed the fact that petitioner No.1 has joined the investigation and he is no more required for further investigation. He further submits that custodial interrogation of petitioner No.2 is required to recover the amount as well as to take the investigation to its logical end. He, thus, prays for dismissal of the present petition for grant of anticipatory bail to petitioner No.2.

5. After hearing learned counsel for the parties and perusing the record, **the present petition is allowed qua petitioner No.1** and the order dated 08.10.2025 is made absolute subject to compliance of conditions as envisaged under Section 482(2) of Bhartiya Nagrik Suraksha Sanhita, 2023.

So far as petitioner No. 2 is concerned, this Court is not inclined to grant the concession of anticipatory bail. The allegations against him are grave and disclose his active role in a well-planned conspiracy



involving impersonation, preparation of forged documents and cheating the complainants of a huge amount of Rs.1.30 crore. The investigation reveals that petitioner No. 2 is one of the main kingpins of the fraud and his custodial interrogation is necessary for effecting recovery of the cheated amount, ascertaining the identity of other accomplices and taking the investigation to its logical conclusion. Grant of anticipatory bail at this stage would seriously prejudice the ongoing investigation. The case of petitioner No. 2 is clearly distinguishable from that of petitioner No. 1, who has already joined the investigation and is no longer required for custodial interrogation.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person 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 from disclosing such facts to the Court or to any police*



officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities

of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of petitioner No.2 has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to petitioner No.2 at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that petitioner No.2 does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, **the petition being devoid of any merit is hereby dismissed qua petitioner No.2.**

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

22.01.2026 sharmila		(RAJESH BHARDWAJ)
		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No