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CRM-M-58300-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(102)

CRM-M-58300-2025 (O & M)

Date of decision: 20.02.2026

(Through VC)

Suresh Kumar

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sehaj Sandhawalia, Advocate,
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. R.S. Thind, Advocate,
and Mr. Arpinder Singh Sidhu, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.45 dated 27.01.2025 under Sections 318, 336(3), 338, 340, 61 of the BNS Act, 2023 registered at Police Station Pundri, District Kaithal.

2. The brief facts of the case are that the present FIR was registered on the basis of a detailed complaint filed by the complainant Smt. Sona Devi, daughter of Harla and wife of Dalip, resident of Basara, District Sangrur. Punjab The complaint was initially submitted to the Superintendent of Police, Kaithal and thereafter, forwarded for inquiry. The complainant

alleged that she is the lawful owner of about 02 acres of land situated in

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Village Naina, Tehsil and District Kaithal, which had fallen to her share. It was alleged that the accused persons, namely Rajesh, Naresh and Suresh, sons of Gaje Singh, residents of Village Naina, illegally trespassed upon her land, forcibly occupied the same, withheld lease money and threatened her with death whenever she demanded her lawful possession. The complainant further alleged that about 15 days prior to filing the complaint, when she visited Village Naina to assert her rights over the land, the accused persons assaulted her, forcibly ousted her from the house and extended threats that she would be murdered and her body would be disposed of in a canal. On the basis of the inquiry conducted by the CLG Committee, cognizable offences were found to be made out, and accordingly the present FIR no. 45 dated 27.01.2025 u/s 318(4),336(3),338, 340(2) and 61 of BNS, 2023 was registered against, Naresh, Suresh and Rajesh sons of Gaje Singh residents of Village Naina at PS Pundri.

3. During the course of investigation, it surfaced that the petitioner in connivance with his brothers fraudulently got registered a sale deed on 09.02.2023 in respect of 13 kanals and 16 marlas of land belonging to Manjeet Kaur, the daughter of the complainant by producing an unknown woman as Manjeet Kaur without the consent and knowledge of the original Manjeet Kaur. The statement of writer of the sale deed, namely, Vikas Sharma was recorded during the course of the investigation and the investigation qua the Numberdar-Ramesh Kumar who identified the fake

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Manjeet Kaur and Naib Tehsildar-Ashish Kumar who registered the document is pending.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The dispute, at best, would be of a civil nature for which a civil suit for declaration has already been filed at the instance of Manjeet Kaur seeking cancellation of the sale deed dated 09.02.2023 which is pending adjudication. There is substantial delay in the registration of the FIR. The co-accused, namely, Naresh and Rajesh, brothers of the petitioner have already been granted the concession of anticipatory bail. As the petitioner has joined investigation and co-operated with the same, he is entitled to the concession of anticipatory bail.

5. The learned counsel for the State, on the other hand, has filed a status report/reply by way of an affidavit of Sushil Parkash, HPS, Deputy Superintendent of Police (Crime), Kaithal dated 12.12.2025 which is taken on record. He alongwith the counsel for the complainant, contend that the petitioner happens to be the first cousin of Manjeet Kaur, daughter of Sona Devi. The forged and fabricated sale deed was got registered by setting up an impersonator as the actual Manjeet Kaur and the beneficiary of the sale deed is the petitioner. Though, the petitioner joined investigation, he has refused to divulge the identity and whereabouts of the impersonator. The role of the brothers of the petitioner, namely, Naresh and Rajesh was only to support their brother-Suresh Kumar, the present petitioner. In fact, when

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Naresh and Rajesh joined investigation pursuant to an interim order staying their arrest, they have described in detail the manner in which the offence was committed and how they got the sale deed executed by the fictitious Manjeet Kaur in favour of the petitioner. They also disclosed that it was the petitioner-Suresh Kumar alone who knows the impersonator who impersonated the actual Manjeet Kaur. As the petitioner has deliberately chosen not to disclose the identity of the impersonator, his custodial interrogation is certainly required to get recovered the forged document as also to reveal the identity of the fictitious Manjeet Kaur.

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we



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are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be 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. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial***



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interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. Coming back to the present case, a perusal of the FIR and investigation conducted so far would reveal that Manjeet Kaur and the petitioner are first cousins. With a view to cheat Manjeet Kaur and her mother-Sona Devi, the petitioner set-up a fictitious Manjeet Kaur and got executed a sale deed in his favour on 09.02.2023. As the complainant is a resident of a village in Punjab, when she came to her parental village, she discovered the illegal activities of the petitioner and others leading to the filing of a complaint on 17.11.2024/03.12.2024 and the consequential FIR on 27.01.2025.

9. The relevant extract of the affidavit of Sushil Parkash, HPS, Deputy Superintendent of Police (Crime), Kaithal is reproduced hereinbelow:-

9. That the petitioner Suresh Kumar is the main conspirator and prime mover of the entire offence, who in active connivance with his co-accused brothers illegally dispossessed the complainant of her land, continuously extended threats to her life and subsequently committed a well-planned act of forgery and impersonation by getting 13 Kanals 16 Marlas of land of Smt. Manjeet Kaur fraudulently registered in his favour by producing an unknown woman as Manjeet Kaur before the Tehsil authorities without her consent. It is the petitioner who orchestrated the execution of the forged sale deed, procured false identification through official witnesses and derived the direct illegal benefit, and is now absconding to evade arrest. His custodial interrogation is essential



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to identify the impersonator, recover original forged documents, obtain specimen signatures and to unearth the complete criminal conspiracy.

10. That custodial interrogation of the petitioner is indispensable for:

- i. Identification of the woman impersonated as Manjeet Kaur.
- ii. Recovery of original forged documents.
- iii. Procurement of specimen signatures of the petitioner and the impersonator.
- iv. Sending disputed and specimen signatures for forensic examination at FSL, Madhuban.
- v. Uncovering the full conspiracy involving revenue officials and private witnesses.

10. It is apparent that the petitioner is the main accused being the beneficiary of the sale deed. As such, *prima facie* the offence stands established. Further, the investigation is to be taken to its logical conclusion and the custodial interrogation of the petitioner is required for the identification of the impersonator, recovery of the forged documents, procurement of specimen signatures of the petitioner and the impersonator and uncovering the conspiracy involving revenue officials and private witnesses. Therefore, the petitioner is not entitled to the grant of pre-arrest bail.

11. In view of the above discussion, I find no merit in this petition and the same stands dismissed.

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12. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

13. The pending application(s), if any, shall stand disposed of accordingly.

February 20, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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