



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-59269-2024 (O&M)
Date of Decision : 09.02.2026

(I) SAFDARPAL SINGH @ SAFDERPAL SINGH (SINCE DECEASED)
THROUGH HIS LR – NAVJINDER SINGH

(II) NAVJINDER SINGH SANDHU

...Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Deepinder Virk, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, DAG, Punjab.

Mr. H.S. Deol, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 438 Cr.P.C, had initially been filed by Safdarpal Singh @ Safderpal Singh and his son Navjinder Singh Sandhu, both of whom are accused in case bearing FIR No.36 dated 24.10.2024 registered against them and others at Police Station Punjab State Crime, SAS Nagar, Mohali, for commission of offences punishable u/s 419, 420, 465, 467, 468, 471 and 120-B IPC. At the outset, it needs to be pointed out that petitioner No.1, Safdarpal Singh, expired on 15.12.2024. Vide order dated 06.05.2025, passed by a co-ordinate Bench of this Court, son of late Safdarpal Singh, namely, Navjinder Singh, who is himself also an accused was allowed to continue on behalf of his father.



2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

Smt. Hardial Kaur, 80 years old woman, whose husband – Sh. Rajinder Singh, son – Jaspal Singh and both the brothers have passed away, set the criminal law in motion by filing a complaint pointing therein that after the death of her son Jaspal Singh on 18.02.2017, the land owned by him in Village Gujjar was transferred in her name. During his lifetime, her husband Rajinder Singh had executed a registered Will dated 01.10.2019 in her favour. She alleged that Rinku, d/o Balbir Singh, Parampal Singh s/o Balbir Singh, Balveer Singh s/o Darshan Singh, Safdarpal Singh (petitioner No.1) s/o Ranbir Singh, Navjinder Singh (petitioner No.2) s/o Safdarpal Singh, Ranjit Singh, Tehsildar (Jaitu) and Gurdeep Singh, Reader to Tehsildar, in connivance with each other fabricated a General Power of Attorney dated 20.05.2024 said to have been executed by her, in favour of Parampal Singh, who on the strength of the said fake GPA executed the sale deeds of the land in question in favour of Balveer Singh, Safdarpal Singh (since deceased) and Navjinder Singh (petitioners). Revenue Officials were also hand in gloves with alleged vendor and vendees as they deliberately did not verify the documents. She further deliberately did not verify the documents. She further pointed out that co-accused, namely, Vijay Kumar, Nambardar of Village Sadwan and Davinder Singh s/o Pritpal Singh, who do not hail from Village Gujjar, appended their signatures on fabricated Power of Attorney and verified some other woman as Hardial Kaur, despite knowing that the said woman is not real Hardial Kaur w/o Rajinder Singh. She also came to know that the said woman does not own any land in Village Gujjar. Complainant next alleged that in lieu of sale deeds, no amount was transferred in the account of either imposter Hardial Kaur (co-accused Rinku) and co-accused - Parampal Singh.



She alleged that all the above mentioned persons are the members of organized gang, who prepare fake documents of lands of helpless people and grab their property. The vendees Safdarpal Singh (since deceased) and Navjinder Singh, further as per complainant, are very well known to her. A Civil Suit titled “Rajinder Singh Vs. Harpal Singh” in which Safdarpal Singh (since deceased) is one of the parties, is pending adjudication before the Civil Courts. Further, both Safdarpal Singh and Navjinder Singh (petitioners) are already facing trial in another case bearing FIR No. 56 dated 08.08.2019, u/s 406, 420-B IPC registered against them by one Simranjeet Singh s/o Gurmukh Singh levelling similar allegations.

While mentioning the questionable past antecedents of the accused persons, complainant alleged that on an earlier occasion as well, Parampal Singh s/o Balbir Singh had sold land of one Sukhdev Singh s/o Mukhtiar Singh r/o Dulo Wal Tehsil Mansa to Khushwant Singh Brar on the strength of fake GPA in which he mentioned himself as resident of Village Deep Singh Wala. However, in the present case, on the fabricated GPA, Parampal Singh mentioned himself to be permanent resident of Kasuri Gate, Ferozepur, presently residing in Village Deep Singh Wala, District Faridkot. The address of Ferozepur was mentioned only to show imposter Hardial Kaur as his sister.

On receipt of this complaint, the matter was enquired into by the police officials, who on finding substance in the allegations levelled, registered a formal case vide FIR No.36 dated 24.10.2024, u/s 419, 420, 465, 467, 468, 471 and 120-B IPC against present petitioners and other accused.

3. Apprehending arrest, present petitioners had moved an application for grant of pre-arrest bail, before the Court of Sessions. The same was dismissed by the learned Additional Sessions Judge, Faridkot, in terms of order dated



12.11.2024. Aggrieved of which, the present petition has been filed.

4. Learned Senior counsel for the petitioners contends that complainant, a smart and cunning lady, has been successful in getting the criminal proceedings initiated against petitioner and others by suppressing material facts. In the complaint, though, she introduced herself as wife of late Rajender Singh but she very conveniently failed to disclose that she had been legally divorced from Rajinder Singh about 33 years ago. Copy of decree of divorce dated 11.03.1991 appended as Annexure P-2 along with petition has also been referred to. After the marriage between complainant and Rajinder Singh was dissolved, she lost all interest in the *estate* left behind him. Continuing further, learned Senior counsel contends that a bare perusal of the FIR would reveal that the dispute between parties is purely civil in nature. Complainant has already availed civil remedies so available to her under law. In the Civil suit filed by her, parties including the present petitioners have been directed to main *status quo* with regard to alienation and possession. She admittedly is in possession of the land in question. For reasons best known to her, the stand taken by the present petitioners in the written statement filed by them was also not elaborated by complainant in her complaint. In any case, the specific stand of petitioners is that the sale deed was executed in their favour for a valuable consideration. Copy of statement of their joint account appended as Annexure P-6 has also been referred to by learned counsel. Petitioners were not aware as to whether GPA dated 20.05.2024, on the strength of which sale deed was executed by co-accused - Parampal in their favour, was fabricated or not. Petitioners being *bona fide* purchaser for valuable consideration, are thus entitled to protection of law.

Taking note of all the submissions, as also documents on record, the concession of interim anticipatory bail was granted to the petitioners on



27.11.2024 by a Co-ordinate Bench of this Court. In compliance of the said order, petitioners joined the investigation and fully cooperated in the same. The plea taken by respondent-State that petitioners did not cooperate in the investigation and did not get the recovery effected, in the light of the factual aspects of the case as discussed hereinabove, deserve not to be taken note of, for sale deeds on the strength of which petitioners claim their right in land in dispute, are already subject matter of litigation. Now nothing remains to be recovered from them, hence, custodial interrogation is not required. Continuing further, learned counsel contends that at this stage, if the concession of interim anticipatory bail already granted to petitioner No.2 is not confirmed, the same would result in grave injustice to him and would also be against the settled proposition of law. In support of his submissions learned counsel has placed reliance upon judgment of Hon'ble Supreme Court of India, wherein case titled as ***Bijender Vs. State of Haryana*** (Criminal Appeal of 2024 arising out of SLP (Crl) No.1079 of 2024), it was held that accused cannot be denied the pre-arrest bail based on alleged non-cooperation during investigation unless there are aggravating factors or justifiable reasons necessitating custodial interrogation.

5. *Per contra*, while opposing the request of confirmation of the interim anticipatory bail, respondent-State filed Status Reports dated 30.01.2025, 01.07.2025 and 18.11.2025 by way of affidavits of Mr. Rajinder Singh, Deputy Superintendent of Police, State Crime Police Station, SAS Nagar. In the these reports, it has been pointed out that after due enquiry substance was found in the allegations levelled by complainant, who had been impersonated by one Rinku w/o Vishal, d/o Balbir Singh. The said lady in conspiracy with other accused forged GPA dated 20.05.2024, allegedly executed by Hardial Kaur (complainant) in favour of co-accused Parampal Singh, s/o Balbir Singh. This GPA was



executed at Ferozepur instead of Faridkot. Co-accused Vijay Kumar (Nambardar) and Davinderpal Singh s/o Prithipal Singh signed as attesting witnesses on this forged GPA, wrongly verifying Rinku d/o Balbir Singh as Hardial Kaur w/o Rajinder Singh. On the strength of this forged GPA, Parmapal s/o Balbir sold complainant's share of land through various sale deeds. Out of total 196 Kanals, 36 Kanals 0.5 Marlas was sold to Balveer Singh, s/o Darshan Singh, 101 Kanal 8 Marlas to co-accused - Safdarpal Singh (since deceased) and 58 Kanals 13.5 Marlas to co-accused - Navjinder Singh (petitioner No.2). It also came to the notice of IO that 36 Kanals of land was purchased by Balveer Singh @ Rs. 5.13 Lakhs per acre, much lesser than the prevailing market rate/circle rate, which at the said point in time was Rs. 8.40 lakhs per acre. Surprisingly, enough no transactions were made against the said sale deeds. Also the fact that co-accused Balveer received Rs.5 lakhs from co-accused Parampal Singh s/o Balbir Singh, further made these transactions questionable. Admittedly, petitioners are not involved in any other criminal case.

Police authorities also found out that Safdarpal Singh (since deceased) was aware as to who the actual owner of the disputed land was, as he had ongoing civil litigation with the complainant – Hardial Kaur. Moreover, complainant also owned huge chunk of land in Village Gujjar, District Faridkot, adjoining the village, namely, Jok Sakari of which he was the Sarpanch from the year 2009 to 2014. Thus, it could be safely assumed that Safdarpal Singh (since deceased) and his son Navjinder Pal, were fully aware as to who the actual owner of the land was.

By virtue of the status report, it was also brought to the notice of the Court that co-accused - Vijay Kumar (Nambardar), Rinku w/o Vishal d/o Balbir



Singh and Parampal Singh s/o Balbir Singh, were arrested on 24.12.2024, 26.12.2024 and 28.12.2024, respectively.

Admittedly, Safdarpal Singh (since deceased) and Navjinder Singh were granted the concession of interim anticipatory bail on 27.11.2024 by a co-ordinate Bench of this Court.

One of the other accused, namely, Davinderpal Singh s/o Prithipal Singh is yet to be arrested.

Learned counsel for the complainant submits that after the death of complainant's only son Jaspal Singh on 18.2.2017, the land owned by him in Village Gujjar devolved upon her being his only surviving legal heir. Mutation bearing No.4879 to this effect was also sanctioned in her favour. It is this land qua which a calculated fraud has been played upon her by petitioners – Safdarpal Singh (since deceased), Navjinder Singh in connivance with his relatives and the other accused. It was also pointed out in the reply that husband of the complainant, late Rajender Singh was a big land lord. Decree of divorce dated 11.03.1991 was secured only to prevent acquisition of land by the Government. In fact, she and her husband had been living together till he breathed his last. During his lifetime, he had executed a registered Will dated 01.10.2019 in her favour, in which this fact was also mentioned. Copy of the said Will was also appended along with reply. Apart from reiterating the facts in the complaint, complainant specifically pointed out in her reply that no actual consideration was paid by the vendees. Bank transactions were created only to create a facade of *bona fide* purchaser.

Learned State counsel accompanied by learned counsel for complainant contend that the allegations levelled in FIR when perused carefully along with the other connecting circumstances brought on record, the only logical



presumption that can be drawn is that a calculated fraud has been played upon complainant, a helpless old widow aged about 80 years, who has no male member in the family. On the strength of forged documents and fictitious sale deeds, she has been deprived of her legal rights in the land. Simply because, a Civil Suit had been filed challenging the legality of GPA dated 20.05.2024 and sale deeds executed in favour of petitioners and other similarly situated accused, does not bar her from initiating criminal proceedings.

Both, learned State counsel and learned counsel for the complainant further contend that petitioners by suppressing the material facts from the knowledge of the Court, were successful in securing the concession of interim anticipatory bail by taking a plea that being *bona fide* purchasers of land in question, they had no notice/knowledge that the GPA is forged. However, in the light of the facts that have been brought on record, particularly the fact that one of the petitioner, namely, Safdarpal (since deceased), who is related to co-accused Balveer Singh, was already in litigation with complainant with regard to her another land in Village Mumara, it can safely be assumed that all of them knew that the land in question is actually owned by her (complainant - Hardial Kaur). Moreover, there was no occasion for her (complainant) to execute GPA in favour of Parampal Singh, who is an illiterate labourer, further the fact that land was sold out at much lesser value than even the circle rate prevalent at the said point in time, as also the fact that Rs.5 lakhs had been returned back to Parampal Singh, the alleged seller, all suggest that petitioners in conspiracy with the other accused, deprived an old women of her rightful dues in the land in question.

Further, as per learned counsel the custodial interrogation of petitioner No.2 is needed to find out as to who all are involved in this racket, what



is their *modus operandi* etc., how many other innocent unsuspecting persons have been made their preys. Dismissal of the petition has been prayed for.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in **"P. Chidambaram vs. Directorate of Enforcement", ((2020) 13 SCC 791)**, has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

In ***"Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another"* (2025 AIR SC 3375)**, the Hon'ble Supreme Court held that *"Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."*



Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. From the documents on record and submissions advanced by learned counsel for petitioners, learned counsel for complainant and learned State counsel, following facts emerge:-

- (i) Complainant Hardial Kaur d/o Ranjit Singh was married to Rajinder Singh s/o Heera Singh in 1969.
- (ii) The couple was blessed with a male child, namely, Jaspal Singh, who was born in 1970 (This fact has been admitted in the written statement filed by the petitioners in Civil Suit No.1230 of 2024 dated 06.08.2024, copy of which has been appended along with petition).
- (iii) Jaspal Singh, who was not married, died in 2017. He was owner of chunk of agricultural land situated in village Gujjar. After his untimely death, the land owned by him devolved upon complainant being his only surviving legal heir. Copy of the Mutation sanctioned in her favour has also been appended along with reply filed by the complainant.
- (iv) Unfortunately for the old lady, she (C) also lost her husband Rajinder Singh, who prior to his death had executed a registered Will in her favour on 01.10.2019, wherein he had mentioned about the factum of divorce decree between him and his wife (c), as also the reason for bequeathing his estate/land in her favour.
- (v) It further emerges that complainant had also lost both her brothers about 30-40 years ago. Thus, she is alone in the family.



(vi) Specific stand of the complainant is that she (C) never executed GPA dated 20.05.2024 in favour of Parampal Singh s/o Balbir Singh, who is an illiterate labourer. She alleges that sister of accused Parampal, namely, Rinku w/o Vishal impersonated her. Co-accused Vijay Kumar and Davinderpal Singh were the attesting witnesses to the said GPA. They identified Rinku w/o Vishal d/o Balbir Singh as Hardial Kaur(C) w/o Rajinder Singh. On the strength of said GPA land owned by complainant was transferred in favour of Navjinder Singh (present petitioner), Safdarpal (since deceased) and co-accused - Balveer Singh, vide 06 separate sale deeds.

(vii) Admittedly, after complainant came to know about this fraud, she immediately filed Civil Suit for declaration questioning the legality of the GPA dated 20.05.2024 and 06 sale deeds executed on the strength of the aforesaid GPA. In the said suits present petitioners and co-accused Balveer Singh have been impleaded as respondents. Parties have been directed to maintain *status quo* with regard to possession and alienation. It is not disputed that complainant is in possession of land.

Contention of learned counsel that in the light of complainant having taken recourse to the civil remedies so available to her, initiation of criminal proceedings is an abuse of process of law, has not found favour with this Court, for the reason that from the facts and documents brought on record, a *prima facie* case of cheating, forgery and criminal conspiracy is made out against petitioners and other accused.



At this stage, it would be appropriate to refer to a latest judgment of Hon'ble Supreme Court where in case titled as "***Kathyayini Vs. Sidharth P.S. Reddy & others***" (SLP (Crl.) No.1105 of 2024) after referring to its earlier decisions, in "***K. Jagdish Vs. Uday Kumar***" (2020) 14 SCC 552 and "***Pratibha Rani Vs. Suraj Kumar and Another***", (1985) 2 SCC 370, it was held as under:-

"19. xxxx

We hereby hold that *no such bar exists against prosecution if the offences punishable under criminal law are made out against the parties to the civil suit.*

xxxx"

"23. *The above precedents set by this Court make it crystal clear that pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons....*"

Thus, it is clear that in the factual scenario of the case in hand, complainant was not precluded/barred from initiating criminal proceedings. It further needs to be pointed out that when petition for grant of interim anticipatory bail came up for hearing for the first time before the Co-ordinate Bench of this Court, the plea taken by petitioner that being *bona fide* purchaser for valuable consideration, without being aware of the fact whether GPA is forged or not weighed in the mind of the Court while granting the concession of interim anticipatory bail. Let us try to find out as to how far this plea is genuine.

It has already been noticed that during the course of investigation, it came to the notice of police authorities that petitioners - Safdarpal Singh (since deceased) and Navjinder Singh are residents of Village Gujjar where the land in question is situated. They knew the complainant pretty well, as also that Safdarpal Singh (father of co-accused Navjinder Singh) was already in litigation with



complainant with respect to her other land situated in Village Mumara. He was fully aware that the land in question is owned by complainant Hardial Kaur. Both Safdarpal Singh (since deceased) and Navjinder Singh (petitioner) are also related to co-accused Balveer Singh. It is, thus, expected that they would have shared the entire details with him (P) also. Further, the fact that police authorities found that the land had been sold at a much lesser price than the prevailing market rate/circle rate, also raises a serious doubt on the genuineness of these sale transactions. It also remains explained as to in what context Rs.5 lakhs was credited in the account of co-accused Balveer Singh from alleged GPA holder Parampal Singh (co-accused). Thus, at this stage, *‘prima facie’* it can be said that this plea is not genuine.

In view of the aforesaid discussion, the Court is of the opinion that custodial interrogation of the petitioner No.2 is needed to find out as to who all are involved in this racket, what is their *modus operandi* etc., how many other innocent unsuspecting persons have been made their preys. Thus, petitioner No.2 has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

All pending miscellaneous application(s), if any, also stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

09.02.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No