



**103 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.62559 of 2025
Date of Decision: 01.04.2026**

Balwinder Singh

..... Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Virendra Pratap Singh, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

Mr. Kushagra Mahajan, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.172, dated 18.09.2025 under Sections 318(4), 336(2), 338, 336(3), 340(2) of BNS, 2023 registered at Police Station Jamalpur, District Police Commissionerate Ludhiana.

2. Succinctly the facts of the case are that the FIR was registered on the statement of complainant, namely, Sham Malhotra. It was alleged that the complainant agreed to purchase a plot measuring 421 Sq.Yards situated in village Mundian Kalan Abadi Hari Nagar, Ludhiana from Balwinder Singh (petitioner herein) and Amritpal Singh, who was a Property Dealer, mediated the said deal. Balwinder Singh executed the sale agreement dated 07.05.2025 to sell the said plot for a sum of



Rs.65,50,000/-. A sum of Rs.7 Lakhs was paid as earnest money in presence of witness, namely, Parveer Singh. Another sum of Rs.8 lakh was paid to Balwinder Singh on 13.05.2025. Date for execution of sale deed was fixed for 07.02.2026. It was alleged that to ensure the complainant, a copy of sale deed bearing Vasika No.5641 dated 16.05.1995 vide which Balwinder Singh purchased the said plot as well as Jamabandi depicting Balwinder Singh to be the owner of said plot, were delivered. On 14.05.2025, complainant got cleaned the plot in question and in the meantime, on 25.05.2025 some unidentified persons came to the plot and told the complainant that they are the owner of said plot. During investigation, it was found that one Prabhjot Singh son of Charanjeet Singh was the registered owner of said plot. Prabhjot Singh produced sale deed bearing Vasika no.977 dated 20.09.2010 for plot which adjoined boundaries of plot, at spot. It was further alleged that Balwinder Singh claimed himself to be owner of impugned plot on the basis of Vasika no.5641 dated 16.05.1995. It was found that Vasika no.5641 dated 16.05.1995 pertains to property situated in village Dhandran and not village Mundian Kalan. Said Vasika was also in name of Jatinder Dhir and Gurdeep Singh and not in name of accused Balwinder Singh. Thus, felt cheated and request was made to take legal action against the accused. Thus, the FIR was registered and investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit



in the same, the learned Additional Sessions Judge, Ludhiana dismissed the petition filed by the petitioner vide his order dated 13.10.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that prior to executing the said agreement to sell, the petitioner had got verified his ownership over his plot vide latest *jamabandi* dated 23.04.2025, which was attested by the concerned Halqa Patwari. Thus, the petitioner had committed no fraud with the complainant or any other person. He submits that since last 30 years, the petitioner has been the owner of the said property and till date no person had come to claim any ownership over his plot. It is submitted that no offence as alleged is made out against the petitioner and thus, submit that in the facts and circumstances, there being no *prima facie* case made against the petitioner, he deserves to be granted anticipatory bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made on behalf of the petitioner. He submits that the land, which is the subject matter of the agreement to sell, does not belong to the petitioner. He submits that the petitioner contended before this Court that he would settle the dispute amicably with the complainant but the petitioner was never keen to settle the dispute amicably as he never appeared before the Mediation Centre to join the mediation proceedings. He submits that the report was sought from the



concerned Tehsildar and the plot in question was not found to be owned by the petitioner. He thus, submits that petitioners do not deserve the concession of anticipatory bail.

5. Learned State counsel had opposed the submission made by counsel for the petitioner. He, on instructions from Mr. Harkirat Singh, Tehsildar concerned, who is present in person before this Court, has submitted that as per the Revenue record, the petitioner is not the owner of the plot in question. He submits that the Vasika number of the plot in question, is different and hence, registration of the sale deed is not possible. He has submitted that the allegations made against the petitioner are serious in nature. He has submitted that vide order dated 04.02.2026, interim protection was granted to the petitioner only on the undertaking given before this Court that petitioner is ready to settle the matter amicably with the complainant, however, he did not join the mediation proceedings. He has submitted that the case is under investigation and thus, custodial interrogation of the petitioner is essential. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition being devoid of merit deserves to be dismissed.

6. On hearing of the counsel for the parties and perusing the record, it is apparent that the petitioner is the owner of the plot in question since last about 30 years, however, as contended before this Court by learned State counsel, as per the revenue record, petitioner is not the owner of the plot in question. Perusal of the case file would show



that vide order dated 04.02.2026, counsel for the petitioner submitted that *de hors* the allegations made in the FIR, the petitioner was ready to compensate the complainant by settling the dispute and also gave undertaking for the same and on the basis of same, this Court had directed the Investigating Agency not to take any coercive action against the petitioner and the matter was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of the amicable settlement. However, till date petitioner did not join the mediation proceedings and no efforts are being made by him to settle the dispute. Learned counsel for the petitioner failed to convince the Court regarding the failure of the undertaking as given before this Court. This Court finds that evidently the investigation is at threshold. The interim protection granted to the petitioner was only on the undertaking given before this Court that the petitioner was ready to compensate the complainant but the same has been misused.

7. The Hon'ble Supreme Court in a recent judgment of '***Gajanan Dattatray Gore Vs. State of Maharashtra, 2025 INSC 913***' has held that bails should not be granted solely on the undertaking given by the accused persons. The relevant part of the same reads as under:-

'Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no



case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.'

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

“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.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while



granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed*



out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, 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 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.04.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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