

2026.PHHC.028671



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-64560-2025

Date of decision: 23rd February, 2026

Amarjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Simranjit Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. V.G. Jauhar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 187 dated 16.06.2025 registered under Sections 406, 420 and 120-B of IPC at Police Station Division No.5, District Ludhiana.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant Chamkaur Singh, alleging that the present petitioner along with co-accused, had entered into an agreement to sell a plot measuring 397 square yards, situated at Village Taraf Kharbara, Abadi Gurdev Singh, Tehsil and District Ludhiana on 01.03.2011 for a total sale consideration of Rs. 2,55,00,000/-. The said plot was owned by Santokh Singh,

2026.PHHC.028671



Pritam Singh, Kuldeep Singh and Amarjit Singh, who had executed an agreement in favour of the petitioner and co-accused and the said fact was represented to and verified by the complainant. An amount of Rs.1,08,00,000/- was given by the complainant to Gurmeet Singh, Preetinder Singh and Rajwinder Singh. They also induced the complainant to sell his factory measuring 1996 sq. yards, situated at Village Hambran, in adjustment towards payment of the earnest money. On being induced by them, the complainant executed a power of attorney in favour of Gurmeet Singh etc., who assured that they would sell the factory of the complainant only after execution and registration of the sale deed of a house in his favour. However, after receipt of the remaining sale consideration, they kept on putting off the matter of executing the sale deed in respect of the house in favour of the complainant on one pretext or the other, and the dates were extended from time to time. The date for registration of sale deed was ultimately fixed for 01.03.2023. However, no sale deed was executed in favour of the complainant and, instead a sale deed of the factory of the complainant was registered in the names of the present petitioner who is paternal aunt of the accused Gurmeet Singh and Manpreet Kaur, wife of Rajwinder Singh, who further sold it subsequently. No sale consideration of the factory was given to the complainant, thereby causing wrongful loss of money to him and cheating and defrauding him.

3. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending her arrest, the petitioner moved an

2026.PHHC.028671



application for grant of anticipatory bail, which was dismissed by the Court of the learned Additional Sessions Judge, Ludhiana vide order dated 13.10.2025.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in the present case. The agreement to sell a house was executed on 01.03.2011 and, in lieu of earnest money, the complainant had executed agreement qua sale of his factory in favour of the co-accused. The sale deed of the house could not be registered as the complainant failed to arrange sufficient funds and, therefore, the same was cancelled after returning the money received from the complainant. It is, further submitted that previous complaints filed by the complainant were dismissed as the dispute between the parties was found to be purely of civil nature. The ingredients for commission of subject offences are not at all attracted qua the petitioner. she has no direct link with the complaint and at no point of time any inducement was made by her. The co-accused Manpreet Kaur has already been granted the benefit of bail. On parity, she too deserves to be extended the same benefit. The petitioner is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. It is, therefore, urged that the petition deserves to be allowed.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant has vehemently argued that the allegations against the petitioner are serious in nature. She is paternal aunt of accused Gurmeet Singh and obviously in connivance with each other, sale deed of property of the

2026.PHHC.028671



complainant had been executed in her favour and she even sold it further thereby cheating the complainant and causing wrongful loss of money to him and depriving him of his legal right to own his property. An application for cancellation of benefit of pre-arrest bail as granted to co-accused Manpreet Kaur, has already been filed by the complainant which is pending. The custodial interrogation of the petitioner is must for conducting thorough investigation in the matter. No exceptional ground for grant of anticipatory bail is made out. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner had admittedly purchased property admittedly and originally owned by the complainant and power of attorney of which was executed in favour of accused Gurmeet Singh. As per the allegations, the accused Gurmeet Singh misused the said power of attorney and violated the terms of agreement executed between the parties during the course of inquiry of this complaint itself, to the effect that he was to act upon the power of attorney only after executing the sale deed of a house in favour of the complainant. The petitioner is alleged to have connived with the co-accused. The allegations make out a prima facie case against her. However, given the nature of the allegations as levelled against her and the circumstances peculiar to the case, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required as she was made purchaser of the property on

2026.PHHC.028671



the basis of duly registered sale deed. The case qua her is based on documentary evidence. There is no allegation that she had made any inducement of any kind whatsoever to the complainant to cheat her. It is well settled that pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts and circumstances of the case, this Court is of the opinion that the petitioner has made a case for grant of pre-arrest bail. As such, the petition is allowed and the petitioner is ordered to be admitted to bail on her appearing before the Investigating/Arresting Officer and joining investigation within ten days from today and subsequent also as and when required. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

8. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not, in any manner, influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

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

[MANISHA BATRA]
JUDGE

23rd February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |