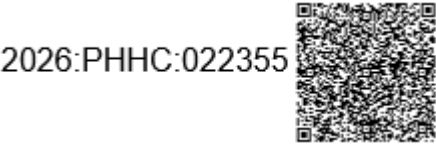


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-65030-2025 (O&M)

Balwant Singh

... Petitioner

Vs.

State of Punjab & another

... Respondents

1.	The date when the judgment is reserved	11.02.2026
2.	The date when the judgment is pronounced	13.02.2026
3.	The date when the judgment is uploaded on the website	13.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Jaiswal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

None for respondent No.2.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed seeking benefit of pre-arrest bail to the petitioner in case arising out of FIR No.295, dated 17.10.2024, registered under Sections 420 and 406 IPC, at Police Station Sohana, District SAS Nagar.
2. The aforementioned FIR was registered on the basis of a written

complaint submitted by complainant – Jai Partap Singh, a commission agent and a sheller owner, alleging that he had entered into an agreement to purchase for some land situated at village Kurri with accused Sunil Giri for a sum of Rs.1,50,00,000/-. Sunil Giri was GPA holder of the original owner Balwant Singh i.e. the present petitioner. As per the terms of agreement, an amount of Rs.1,30,00,000/- had been given by him to accused Sunil Giri. However, he kept on avoiding execution of sale deed in his name. Subsequently, he came to know that the petitioner in connivance with his sons and accused Sunil Giri had got the Power of Attorney dated 04.08.2020 issued in favour of Sunil Giri, cancelled on 30.03.2021 with an intent to cause loss of the aforementioned amount to the complainant. He also came to know that the petitioner had also filed a civil suit with regard to the same land and had secured a stay order and then sold the same land to his sons Kulwinder Singh and Sukhwinder Singh, who had subsequently transferred the same in the favour of one Ravinder Kaur.

3. After registration of the FIR, investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which was dismissed by the Court of learned Additional Additional Sessions Judge, Mohali vide order dated 07.11.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute raised by the complainant is totally of civil nature and civil litigation is already pending in this regard. Infact, no power of attorney was executed by the petitioner in favour of accused Sunil Giri with regard to the land owned by him at village Kurri.

The power of attorney relied upon by the complainant pertains to village Peer Muchhalla only and not for land of village Kurri, as owned by the petitioner, whereas agreement to sell is shown to have been executed in favour of the complainant with regard to land of village Kurri as well as village Peer Muchhalla. The land situated at village Peer Muchhalla and owned by the petitioner had been alienated by him to M/s Surya City Infrastructure Limited way back in the year 2009 but strangely the khasra numbers for transferred land had been mentioned in the agreement which would never have been done by the petitioner. Accused Sunil Giri is not related to him in any manner whatsoever and therefore, there was no question of petitioner's executing a power of attorney in his favour.

5. It is further argued that in the impugned agreement to sell executed in favour of the complainant, there is no reference to year and jamabandi, on the basis of which the petitioner was shown to be owner of the particular khasra numbers as mentioned therein. The description of properties as shown in these agreements, is apparently defective. He did not receive any amount of money from the complainant or from accused Sunil Giri at any point of time and therefore, cannot be stated to be beneficiary of any transaction. Infact, the agreement to sell in question appears to have been created in connivance with the complainant and accused Sunil Giri in order to cause wrongful loss to him. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

6. Respondent No.2/complainant had been duly served with a

notice but none has appeared on his behalf.

7. Learned State counsel while referring to the reply, has argued that there are specific allegations against the petitioner. Though, in the inquiry initially conducted in the matter, he was found to be not involved in the case as no earnest money received from the complainant was proved to have been paid to him and FIR was recommended to be registered against accused Sunil Giri, however, during the course of further investigation, the complicity of the petitioner and his son Sukhwinder Singh has been revealed. For the purpose of conducting proper and thorough investigation in the matter, custodial interrogation of the petitioner is must as he is proved to have been given a power of attorney in favour of co-accused Sunil Giri, who on the basis of same, entered into an agreement to sell land owned by petitioner and situated at village Kurri and received handsome amount of money from the complainant but then the said GPA was got cancelled. Accused Sunil Giri was used as a front face by the petitioner. The case is at its nascent stage. Co-accused has absconded. He is a habitual offender, being involved in one more case of similar nature. It is submitted that the petitioner at his own has joined investigation on 08.12.2025 with the Investigating Officer but his custodial interrogation is required to ascertain his exact role and complicity in the crime. There is no sparing and exceptional circumstance for grant of anticipatory bail to the petitioner. It is, thus, argued that the petition does not deserve to be allowed.

8. This Court has heard the rival submissions made by learned counsel for the parties.

9. The petitioner is alleged to have connived with the co-accused,

Sunil Giri in pursuance of which a GPA was executed in favour of the latter on the basis of which he too (Sunil Giri) executed an agreement to sell the land owned by the petitioner, in favour of the complainant. As per the allegations, in pursuance of the conspiracy hatched between the petitioner and co-accused, the abovesaid GPA was got cancelled later on, thereby causing wrongful loss to the tune of Rs.1,50,00,000/-. The allegations as levelled against the petitioner make out a *prima facie* case for commission of the subject offences. For the purpose of conducting thorough and proper investigation in the matter, his custodial interrogation is must. The petitioner has failed to make out any case for showing that there is any exceptional or extraordinary circumstance for grant of pre-arrest bail in his favour. It is well settled that anticipatory bail to an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge. The case is at its nascent stage. If custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. In view of the above discussed facts and circumstances, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.

10. Accordingly, the petition is dismissed.

11. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.

12. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

13.02.2026

harjeet

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