



220

CRM-M-12136-2026

2026:PHHC:051881



-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-12136-2026

Date of decision: 06.04.2026

JASWINDER SINGH GILL

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Sukhdeep Kaur, Advocate
for the petitioner.

Mr. Amit Shukla, DAG Punjab.

Mr. Ramesh Chander Sharma, Advocate for the complainant.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.263 dated 28.12.2025 registered under Sections 120-B, 419, 420, 465, 467, 468 and 471 of IPC, at Police Station Mehatpur, District Jalandhar Rural.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, got registered the sale deed on the basis of fake documents and cheated the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no connection with the alleged fraud. He argued that if the contents of the FIR



are taken to be true, even then no specific role has been attributed to the present petitioner. He submits that there is no record to show the active involvement of the petitioner in the offence. He further submitted that the present dispute is civil in nature, which has been given criminal colour by lodging the present FIR. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. He submits that there is an unexplained delay of 07 months in lodging of the FIR, thereby casting serious doubt on the prosecution story. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel for the petitioner further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Hence, he prays that present petition be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Jalandhar, vide order dated 13.02.2026.

5. Learned counsel for the complainant has opposed to the grant of relief sought by the petitioner.

6. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are



serious in nature. He argued that the petitioner is specifically named in the FIR. He further argued that the petitioner had impersonated the complainant before Tehsildar and accordingly, fake document deed was entered in the register of Tehsildar. He submits that at the time of registration of forged transfer deed, photo of the petitioner was affixed but later on at the time of official registration of the deed, photo of the complainant was superimposed on the photo of the petitioner. He further submitted that the custodial interrogation of the petitioner is required to ascertain the modus operandi adopted by him. Hence, he prays for dismissal of the petition.

7. After hearing learned counsel for the parties and perusing the material available on record, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The allegations levelled in the FIR reveal a well-planned act of forgery and fraud in relation to the preparation and registration of the transfer deed dated 05.06.2023. The petitioner is specifically named in the FIR and is alleged to have played an active role in preparing the forged transfer deed and facilitating the superimposition of photographs at the time of registration. At this stage, the investigation is still in progress and the custodial interrogation of the petitioner appears necessary to unearth the complete modus operandi, trace the money trail and recover the cheated amount. The material on record at this stage prima facie indicates towards the existence of a bigger syndicate indulging in dubious activities as a result of which, innocent victims end up being preyed upon by such illusory tactics. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall



nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in 'State Vs. Anil Sharma', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 information 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."

9. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, the Supreme Court held as under: (SCC p.386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty".

Economic Offences

*78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in economic offences, the accuse is not entitled to anticipatory bail.*

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83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the



220

CRM-M-12136-2026

2026:PHHC:051881



-6-

respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail”.

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

06.04.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No