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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59759-2025 (O&M)
DATE OF DECISION: 22.10.2025

LAKHWINDER KAUR AND ORS.

...PETITIONERS

Versus

STATE OF PUNJAB AND ANR.

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.P.Kaushal, Advocate for the petitioner(s).
Mr. Rajiv Verma, Addl. A.G, Punjab.
Mr. Himanshu Puri, Advocate for the complainant
(through Hybrid Mode)

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 of BNSS for anticipatory bail to the petitioners in FIR No. 129 dated 30/08/2025 U/s 419 420,465,467,468,471,120-B of IPC Registered at Police Station Sadar Ahmedgarh Distt. Malerkotla (Annexure P-1) in the interest of justice.

2. ContentionsOn behalf of the petitioners

Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in the present case. He submits that there is almost one and a half year unexplained delay in lodging



the instant FIR. He further submits that the instant FIR has been lodged as an afterthought and is nothing but a counterblast to the ongoing dispute, primarily motivated by extraneous considerations. It is contended that the complainant has chosen to initiate the present criminal proceedings only at this stage, as the market value of the property in question has substantially increased in recent times, thereby indicating malafide intent and an ulterior motive to exert undue pressure upon the petitioner, moreover, no specific role has been attributed to the petitioners.

Learned counsel for the petitioner undertakes on behalf of the petitioner that the petitioners are ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State and complainant

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail. He argues that son of one of the co-accused-Charanjit Kaur is an attesting witness to the alleged document which is said to be forged including the Power of Attorney and on that surmise he seeks custodial interrogation of all the petitioners.

At this stage, learned counsel for the complainant further added to the submission made by learned counsel for the State stating that the petitioners are the neighbours of the complainant and are involved in the capacity of being the beneficiaries as well, who have cheated and committed fraud on the complainant.

3. **Analysis**

Be that as it may, on a specific query put by this Court, learned State Counsel is not in a position to controvert the fact that the investigation revolves around the documentary evidence alone which is in possession of the IO itself and in case such document is still to be recovered from the petitioners it can be made available once the petitioners are allowed to join the investigation. Even further if some of the documents are not available being a public document can be availed from the concerned offices including office of the Tehsildar as well as Deputy Collector-the registering authority.

The argument raised by the learned counsel for the petitioner, that the registration of the FIR appears to be actuated by greed and motivated by the escalating market value of the property in dispute, carries weight. This contention is further strengthened by the fact that there is an unexplained delay of about one and a half years in lodging the FIR, which prima facie casts a shadow of doubt upon the bona fides of the complainant.

This Court is sanguine of the fact that the argument raised by the learned counsel for the complainant can be adjudicated only after the evidence is led before the Trial Court, which shall determine whether any adverse act has been committed or any element of fraud, including forgery of documents, is involved.

In view of the discussion made herein above, this Court finds no reason to deny the petitioners the concession of anticipatory bail, wherein the petitioners have bona fide intentions and are willing to join the investigation and cooperate for furtherance of the same so that the

final report can be submitted by the Investigating Agency within the stipulated time period.

4. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘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.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation



within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

22.10.2025
anuradha

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