



**IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH**

**121**

**CRM-M-16602-2026 (O&M)**

**DATE OF DECISION : 25.03.2026**

**ANWARPREET KAUR**

**....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

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

Mr. Ramender Singh Chauhan, AAG Haryana.

Mr. Arun Gupta, Advocate for the complainant.

**SURYA PARTAP SINGH, J.**

This petition for pre-arrest bail is the first petition, filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.476 dated 09.10.2025, for the commission of offence punishable under Sections 419, 420, 467, 468, 471, 120B of Indian Penal Code, Police Station Krishna Gate, Thanesar District Kurukshetra.

2. The abovementioned FIR came into being at the instance of 'Manjot Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that his marriage was solemnized with accused No.1 Anwarpreet Kaur, and that he is the owner of a house



situated in Model Town Thanesar. According to complainant, on account of persistent harassment by the accused No.1 and her family members, he shifted to U.K., where he worked for several years. As per complainant, when he returned, firstly he was not allowed to enter his house by the accused No.1, and later on he came to know that by introducing an impersonator as the vendor of the abovementioned house, the accused No.1 got the abovementioned house transferred in her own name.

3. The complainant has further alleged that at the time when the alleged transfer deed was executed, he was not in India and thus, it stands proved that the abovementioned transfer deed is nothing, but an outcome of fraud and forgery.

4. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion.**

6. Mr. Ramender Singh Chauhan, AAG Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

7. Mr. Arun Gupta, Advocate has put in appearance on behalf of the complainant and filed Power of Attorney. The same be taken on record.

8. Heard.



9. It has been contended by learned counsel for the petitioner that petitioner is an innocent lady and in fact, she is a victim of circumstances and a sufferer herself. According to learned counsel for the petitioner, the complainant himself is guilty of matrimonial misconduct, as he eloped with another lady and went to U.K. and in his absence, the petitioner was left with no option, but to take care of her minor child with the help of her family members. As per learned counsel for the petitioner, in such circumstances when the respectable members of the community were approached to resolve the dispute with the complainant, with the consent of complainant, a release deed was executed, but now by backing out of his stand, the complainant is alleging that the transfer deed has been executed with the help of an impersonator.

10. It has further been contended by learned counsel for the petitioner that the consent of the complainant with regard to transfer of property in the name of petitioner can be gauged from the fact that for long time, after the execution of release deed, he did not lodge the FIR and the same was lodged only when on account of persistent cruelty of the complainant, the petitioner lodged the FIR under Section 498A of IPC against him. While claiming that there was no *mens rea* to commit fraud and that the transfer deed is an outcome of consent of the complainant, the learned counsel for the petitioner has sought for the benefit of pre-arrest bail for the petitioner.

11. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments.



According to learned counsel for the complainant, in the present case the bottom line, which has no explanation, is that somebody appeared as the owner of the property in question and executed the transfer deed in the name of petitioner. As per learned counsel for the complainant, since the title of the property was earlier vesting in the husband of the petitioner and the petitioner was present at the time of execution of transfer deed, there cannot be any explanation under what circumstances somebody else forged the signatures of complainant (petitioner's husband) on the transfer deed. According to learned counsel for the complainant, the offence in the present case is *prima facie* established against the petitioner, and therefore, she is not entitled for the benefit of pre-arrest bail.

12. The record has been perused carefully.

13. As far as the benefit of anticipatory bail is concerned, it is settled principles of law that the Court must be circumspect, while exercising power for grant of anticipatory bail and it should not be granted as a matter of rule. Rather as per law the abovesaid benefit should be granted only when the Court is convinced that exceptional circumstances exist for the extraordinary remedy.

14. With regard to such situation, the Hon'ble Supreme Court of India in the case of Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282, has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been



held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

15. The Hon'ble Supreme Court of India in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

16. Similarly, in the case of Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024), the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

17. In the case of Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.



(iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

18. A perusal of record shows that in the present case, there is no denial of the fact that the petitioner is the legally wedded wife of the complainant. It is also an admitted fact that on the date 08.05.2023, when the transfer deed was executed, the complainant was not in India. Thus, it is *prima facie* established that the transfer deed executed in favour of petitioner was executed by an impersonator. Since the title of the property in question had been vested in the complainant and the complainant is the husband of the petitioner, the petitioner cannot even take a defence that she was not aware of the identity of the transferor.

19. Taking into consideration the fact that apparently the execution of transfer deed by an impersonator stands established, and that the petitioner is the beneficiary of abovementioned fraudulent act, it is hereby held that the gravity of offence allegedly committed by the petitioner does not warrant a lenient view.

20. It shall not be out of place to mention here that right of custodial interrogation of the Investigating Agency is a valuable right, and in the present case, if such right is denied to the Investigating Agency it is



likely to result into miscarriage of justice, as the investigation may not take a proper headway. In the present case, this fact can't be ignored that the identity of the person, who had impersonated himself as owner of the property, is yet to be established and for that purpose, custodial interrogation of the petitioner is of utmost importance.

21. If the fact-situation of instant case is analyzed in the light of above-discussed principles of law, it transpires that no such exceptional circumstances exist in this case, which may call for the exercise of discretionary jurisdiction, vested in this Court for grant of anticipatory bail. Thus, it is hereby held that the present petition is devoid of merits deserves dismissal. Accordingly, the same is hereby *dismissed*.

22. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23. Since the main petition has been dismissed, pending applications, if any, are rendered infructuous.

**25.03.2026**

*Gaurav Thakur*

**(SURYA PARTAP SINGH)  
JUDGE**

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No