

State VS. Rahul Malhotra BANo. 8893 of 2026

Present: Shri Pardeep Saini, counsel for the applicant-accused, along
 with Shri Salil Prano, Advocate.
 Shri A.S. Bajwa, counsel for the complainant.
 Ms. Anju Sharma, learned APP for the State.

ORDER

1. The applicant-accused was granted interim anticipatory bail by this Court vide detailed order dated 06.06.2026. In pursuance thereof, the applicant joined the investigation, as has been stated by the Investigating Officer. Subsequently, Investigating Officer Amar Singh, stated that he had been deputed by SHO Satpal Singh, made a categorical statement before the Court that the applicants are no longer required for custodial interrogation in the present case and that he has no objection if the interim anticipatory bail granted to the applicants is confirmed.
2. Learned counsel for the complainant has, however, strongly opposed the confirmation of bail. It has been submitted that the original interim bail order was obtained from this Court by misrepresentation and by withholding certain vital facts. It is argued that merely because the police have now stated that the applicant is not required for further custodial interrogation, the interim bail should not automatically be confirmed. Through written arguments also, the complainant has opposed the bail application on multiple grounds. Firstly, it is alleged that the accused persons have indulged in tampering with and manipulation of the public revenue record, which constitutes a serious offence, and persons accused of such acts do not deserve the concession of anticipatory bail. It is further alleged that the accused persons are highly influential and have been threatening and inducing

the complainant and his witnesses. In this regard, it has specifically been asserted that one of the co-complainants, namely Jagdev Singh, who was a party/partner to the agreement to sell dated 28.10.2022, has already been won over, which, according to the complainant, demonstrates the influence being exercised by the accused. Another grievance raised on behalf of the complainant is that the police are acting hand in glove with the accused persons and that, under the pressure of senior police officers, the version of the complainant is not being properly considered. It has further been submitted that Section 338 BNS, corresponding to Section 467 IPC, has deliberately and intentionally not been added in the FIR. It is also alleged that no public official of the Revenue Department, including the Patwari or any other official allegedly responsible for making changes in the revenue record, has been nominated as an accused during the course of investigation. On these grounds, prayer has been made for declining confirmation of the interim anticipatory bail.

3. Per contra, learned counsel for the applicant-accused has submitted that while granting interim anticipatory bail, this Court had passed a detailed order after considering the material circumstances of the case. It was specifically observed that the controversy between the parties is predominantly civil in nature. It has further been pointed out that although payment of earnest money to the tune of ₹46,00,000/- is alleged, cheques amounting to ₹30,00,000/- were dishonoured. The parties are at variance regarding the circumstances in which the said cheques came to be dishonoured; however, the fact remains that the amount of ₹30,00,000/- was never actually received by the accused.

As regards the remaining amount of ₹16,00,000/-, Jagdev Singh has already received back the amount. Thus, according to learned counsel for the applicant, the disputed questions arising between the parties can appropriately be adjudicated by the Civil Court, which is already seized of the matter. Regarding the allegations of alteration of entries in the revenue record, it has been submitted that civil litigation in that regard has already been initiated by the applicant-accused and the said controversy is also required to be adjudicated by the competent Court. It has further been argued that the alleged changes in the revenue record are attributable to the previous owner who had transferred the land to the applicant-accused. On the strength of these submissions, it has been contended that a well-reasoned interim bail order had already been passed by this Court and the same cannot be revisited merely to satisfy the grievance of the complainant. It is further submitted that once the Investigating Officer has categorically stated, after the applicant joined the investigation, that his further custodial interrogation is not required, there remains no justification for declining confirmation of the interim anticipatory bail.

4. I have considered the rival submissions and have gone through the record. Once a categorical statement has been made by the Investigating Officer that the applicant has joined the investigation and that his further custodial interrogation is not required in the present case, this Court is of the considered view that the applicant cannot be subjected to custodial interrogation merely to satisfy the complainant. Custodial interrogation may constitute a relevant consideration for declining anticipatory bail where the investigating

agency genuinely requires custody of the accused for the purpose of investigation. However, where the Investigating Officer himself states that no further custodial interrogation is required, the position stands on a different footing. As regards the allegations that the police are acting hand in glove with the applicant-accused, this Court, while exercising jurisdiction in the present bail proceedings, cannot assume supervisory control over the manner in which the investigation is being conducted. More particularly, when rival versions are being put forth by the parties, it would not be appropriate for this Court, at the stage of deciding confirmation of anticipatory bail, to conclusively adjudicate the disputed factual issues in favour of either party when the entire evidence is yet to be brought on record. If the complainant is aggrieved by the alleged faulty or unfair investigation, non-addition of an appropriate penal provision, including Section 338 BNS, or non-nomination of the concerned revenue officials despite allegations of forgery or manipulation of the revenue record, he shall be at liberty to avail such remedies as may be available to him in accordance with law before the appropriate forum, including the Hon'ble Punjab and Haryana High Court. These allegations, by themselves, however, cannot constitute sufficient ground for declining confirmation of bail when the investigating agency itself does not seek further custodial interrogation of the applicant.

5. So far as the merits of the controversy are concerned, the same had already been considered in detail by this Court while granting interim anticipatory bail vide order dated 06.06.2026. There is no occasion, at this stage, to reopen or revisit the entire merits of the said order,

particularly when the applicant has complied with the direction to join the investigation and the Investigating Officer has stated that his further custody is not required. In fact, once the investigating agency does not require the custody of the applicant-accused, declining confirmation of the interim anticipatory bail, in the facts and circumstances of the present case, would serve no useful purpose.

6. Accordingly, keeping in view the overall facts and circumstances of the case, the prayer made on behalf of the complainant for non-confirmation of the interim anticipatory bail is declined. Consequently, the interim anticipatory bail granted to the applicant-accused vide order dated 06.06.2026 is hereby made absolute, subject to the terms and conditions already imposed therein.
7. It is, however, clarified that the complainant shall remain at liberty to avail appropriate remedies, in accordance with law, against the applicant-accused or against any other person who, according to him, ought to have been nominated as an accused, and also in respect of his grievance regarding the alleged faulty or unfair investigation.
8. Nothing observed herein shall be construed as an expression of opinion on the merits of the case. File be tagged with the remand papers/main file, if any, otherwise consigned to the record.

Pronounced.
Dated: 14.08.2026.
(Hira Lal, stenographer Gr.1)

(Shatin Goyal)
Additional Sessions Judge,
Amritsar.
(UID No. PB0157)