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

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Date of decision : 15.05.2026

PRINCE KUMAR

... PETITIONER

Versus

STATE OF PUNJAB

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Sandeep Kumar, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 438 Cr.P.C.) seeking anticipatory bail to the petitioner in case FIR No.5 dated 24.02.2026 registered under Sections 420, 120-B IPC (now Sections 318(4) & 61 BNS, 2023) and Sections 81 and 82 of the Registration Act at Police Station Punjab State Crime, Crime Wing, SAS Nagar, Mohali.

2. The case of the prosecution is that the petitioner, while posted as a Patwari, in connivance with other revenue officials and co-accused persons, facilitated the execution of certain sale deeds and mutation entries in the revenue record in respect of the property of late Rajinder Singh situated at village Lalton Kalan, Ludhiana, despite subsisting stay/status quo orders passed by the competent Civil Court.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no offence, as alleged, is made



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out against him. It is submitted that the dispute in question is purely civil in nature arising out of inheritance and mutation proceedings pertaining to the estate of late Rajinder Singh. It is also submitted that the petitioner is ready and willing to join investigation and cooperate with the investigating agency.

4. Learned State counsel has filed the status report by way of an affidavit of Mr. Rajinder Singh, PPS, Deputy Superintendent of Police, State Crime Police Station, SAS Nagar in Court, which is taken on record. He, while referring to the status report, submits that the petitioner was posted as Halka Patwari at the relevant time when the disputed rapat entries were made in the revenue record. It is submitted that despite being fully aware of the status quo order dated 24.01.2023 passed by the learned Civil Court, the petitioner knowingly and deliberately misused his official position and failed to seek any clarification or direction either from the Court or from superior revenue authorities. It is further submitted that rather acting upon the application of co-accused Rakhi Kwatra, the petitioner prepared and entered rapat No. 416 dated 02.07.2024, whereby land measuring 08 Kanal 02 Marla comprising Khasra Nos. 27//21/2, 20/1 and 22/1 was allegedly excluded from the purview of the Court's stay order. Learned State counsel also submits that the material collected during investigation *prima facie* indicates the petitioner's active participation in a larger criminal conspiracy with co-accused persons and prays for dismissal of this petition as his custodial interrogation is necessary to unearth the relevant facts.

5. Mr. D.K. Mehta, Advocate has put in appearance on behalf of the complainant and filed the Vakalatnama in Court, which is taken on record. He also vehemently opposes the grant of anticipatory bail to the petitioner.



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6. I have heard learned counsel for the parties and perused the record.

7. It is apparent from the material placed before this Court that the petitioner, while posted as Patwari at the relevant time, was entrusted with the maintenance and sanctity of official revenue records. Despite the existence of a subsisting *status quo* order dated 24.01.2023 passed by the competent Civil Court, the petitioner is alleged to have proceeded to act in a manner contrary thereto, without seeking any clarification either from the Court concerned or from the competent superior revenue authorities. Rather, acting upon the application moved by co-accused Rakhi Kwatra, the petitioner allegedly prepared and entered rapat No. 416 dated 02.07.2024, whereby land measuring 08 Kanal 02 Marla comprising Khasra Nos. 27//21/2, 20/1 and 22/1 was sought to be excluded from the purview of the *status quo* order.

8. Moreover, the petitioner is alleged to have played a pivotal role in the commission of the fraud. *Prima facie*, while discharging the duties of a Patwari, the petitioner had no authority to sit over the judicial order in any manner suited to the convenience of private parties. The allegations, therefore, primarily indicate active misuse of official position and tampering with official revenue records in furtherance of the alleged conspiracy. Since the investigation is still in progress, the custodial interrogation of the petitioner appears to be necessary for a fair and effective investigation.

9. It is well settled law that the concession of anticipatory bail is an extraordinary remedy meant for exceptional cases and is not a matter of routine. Reference in this regard may be made to the judgment of the Hon'ble



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Supreme Court in the case of **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, wherein it has been held as under :-

- “(1) The power under [Section 438](#), Criminal Procedure Code, is of an extra-ordinary character and must be exercised sparingly in exceptional cases only;*
- (2) Neither Section 438 nor any other provision of the Code authorises the grant of blanket anticipatory bail for offences not yet committed or with regard to accusations not so far levelled.*
- (3) The said power is not unguided or uncanalised but all the limitations imposed in the preceding Section 437, are implicit therein and must be read into Section 438.*
- (4) 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.*
- (5) 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.*
- (6) The discretion under Section 438 cannot be exercised with regard to offences punishable with death or imprisonment for life unless the court at that very stage is satisfied that such a charge appears to be false or groundless.*
- (7) The larger interest of the public and State demand that in serious cases like economic offences involving blatant corruption at the higher rungs of the executive and political power, the discretion under Section 438 of the Code should not be exercised; and*
- (8) Mere general allegation of mala fides in the petition are inadequate. The court must be satisfied on materials before it that the allegations of mala fides are substantial and the accusation appears to be false and groundless.”*

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10. Keeping in view the seriousness of the offence, the nature of allegations and the role attributed to the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

11. Consequently, the petition is, hereby, dismissed.

12. However, it is clarified that the observations made hereinabove would not have any bearing on the merits of the case.

May 15, 2026
Sonia

(H.S.GREWAL)
JUDGE

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