IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12541-2026

Kuldeep Singh

....Petitioner

versus

State of Punjab and others

....Respondents

Reserved on: **April 30, 2026**
Date of Decision/Pronouncement: **May 06, 2026**
Date of Uploading: **May 06, 2026**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.P. Yadav, Advocate for the petitioner.

*****

SUMEET GOEL, J.

The *petition in hand* has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as BNSS) (erstwhile Section 482 of the Criminal Procedure Code, 1973), with the following substantive prayer:

> **"***It is, therefore, respectfully prayed that the present petition may kindly be allowed and the FIR No.01 dated 10.01.2026 under Section 318(4), 336(2), 336(3), 338, 340, 61(2) of BNS 2023 (under Section 420, 463, 465, 467, 471, and 120-B of IPC), Annexure P-7, registered at Police Station NRI District Mohali Punjab being the misuse of process of law got recorded by an incompetent person having no dispute with the petitioner in any manner nor is single penny has been taken from the complainant respondent No. 4 rather the father of the complainant alleged NRI executed agreement to sell for the sale of land measuring 54 Bigha and received Rs.28 lakhs after the execution of the agreement to sell, Annexure P-1, and became dishonest in order to usurp the money advanced and did not come present for the execution of the sale deed the petitioner left with no other alternative but to filed a Civil Suit which was entertain and injunction was granted on 24.10.2025 (Annexure P-3) and the vendor-respondent No.5 illegally and unlawfully tried his best to convert the civil*

> *dispute in criminal offence and moved an application before the crime branch which was filed and having failed in achieving the same respondent No. 4 by concealing the factum of filing the said complaint dated (Annexure P-5) filed by the respondent No. 4 by misguiding the privilege given to NRIs and the NRI Authorities got the said FIR registered without any occurrence or loss caused to the said complainant/respondent No. 4 and it is the clear cut misuse of process of law where this Hon'ble Court may be pleased to exercise its jurisdiction for quashing the FIR in question on the grounds inter alia*"

2. The relevant factual backdrop of the *lis* in hand is adumbrated thus:

(i) FIR No.01 dated 10.01.2026, under Sections 318(4), 336(2), 336(3), 338, 340, 61(2) of the BNS, 2023, at Police Station NRI District Mohali (hereinafter referred to as *impugned FIR*), Punjab came to be registered against the petitioner. As per the *impugned FIR*, complainant, namely Jaskirat Singh Tiwana, is an NRI and son of Harwinder Singh, who is stated to be the owner of the *property in question*, it has been alleged by the complainant that the accused persons, namely, Kuldeep Singh (petitioner herein) and Manpreet Singh, along with certain other unscrupulous individuals have committed fraud by making forged agreement to sell with an intention to take unlawful possession of the *property in question*. It has been alleged that the said agreement to sell is forged and fabricated and has been created as part of a conspiracy to grab the property of his father illegally. It has been further alleged that the accused persons, in connivance with each other, dishonestly induced his father to execute the said agreement and thereafter initiated civil proceedings for specific performance. The complainant has further alleged that Kuldeep Singh (petitioner herein)

played an active and significant role in the entire transaction. It has been specifically alleged that the petitioner introduced the father of the complainant to the co-accused. It has been further alleged that the petitioner, in conspiracy with the co-accused, prepared a forged and fabricated agreement to sell in respect of the aforesaid land and facilitated the execution of the alleged forged agreement. Neither the complainant nor his father had ever executed any such agreement and the same is alleged to be false and fabricated with the sole intention to grab the property in question.

(ii) In relation to the *Impugned FIR,* the petitioner applied for pre-arrest/ anticipatory bail before this Court, which came to be dismissed, vide order dated 04.02.2026 passed in CRM-M-3280-2026.

(iii) The petitioner approached the Hon'ble Supreme Court, vide SLP (Crl.) No.2736 of 2026, against the above-said dismissal of his plea (for anticipatory bail) by this Court. Vide order dated 16.02.2026, the said SLP was declined by the Hon'ble Supreme Court.

(iv) It is conceded case before this Court that after the dismissal of his anticipatory bail plea by this Court on 04.02.2026 as also dismissal of SLP thereagainst on 16.02.2026 by the Hon'ble Supreme Court, the petitioner has neither chosen to surrender/join investigation nor approached the Hon'ble Supreme Court for any review or otherwise of the order dated 16.02.2026 passed by the Hon'ble Supreme Court.

However, by way of *petition in hand*, the petitioner has chosen to seek quashing of the *impugned FIR* (as also proceedings arising therefrom) itself.

Submissions

3. Learned counsel for the petitioner, while espousing the cause pleaded in the *petition in hand*, has argued that bare perusal of the *impugned FIR* itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has argued that the petitioner has been falsely implicated into the *impugned FIR*. Learned counsel has further argued that the petitioner was ready and willing to purchase the land in question. Learned counsel has further contended that the petitioner being *bona fide* vendee under the Agreement to Sell dated 22.11.2024 has paid a substantial earnest money to the tune of Rs.28,00,000/- to respondent No.5, but since respondent No.5 failed to execute the sale deed and refused to perform part of his contract, the petitioner was constrained to file civil suit for specific performance, which is pending adjudication before the Civil Court concerned. Learned counsel has asserted that due to this reason, respondent No.5 hatched a conspiracy with the local police and got lodged a frivolous complaint against the petitioner on 30.10.2025, just to give a criminal colour to a civil dispute. Learned counsel has further asserted that on the asking of the petitioner, Superintendent of Police (D) Crime, Fatehgarh Sahib had deemed fit not to register an FIR against the petitioner. Learned counsel has submitted that thereafter, respondent No.5, in connivance with respondent No.4 – complainant (NRI son of respondent No.5), who has no *locus standi*, made a fresh complaint before the ADGP, NRI Affairs, Punjab and got lodged the *impugned FIR* against the petitioner, which is sheer misuse of process of law

and privileges given to an NRI. Learned counsel has contended that the question, whether the Agreement to Sell is genuine, is presently *sub judice* before a competent Civil Court. It is further argued that the *impugned FIR*, founded on the same allegations, is merely an attempt to impart a criminal colour to what is essentially a civil dispute.

On the strength of afore-said submissions, the grant of plea for quashing of the *impugned FIR* has been pleaded for.

4. I have heard learned counsel for the petitioner and have gone through the available records of the case.

Prime Issue

5. The prime issue that arises for consideration is as to whether the *petition in hand* ought to be granted and the *impugned FIR* (as also proceedings arising therefrom) ought to be quashed.

The seminal legal issue that arises for cogitation is as to whether the petition under Section 528 of the BNSS (erstwhile Section 482 of Cr. P.C.) ought to be entertained following the dismissal of a petition for anticipatory bail; the petitioner having remained at large, during the interregnum, and has failed to surrender to the jurisdiction of law.

Analysis

6. Undoubtedly, while the statutory parameters governing the grant of Anticipatory Bail under Section 482 BNSS, 2023 (erstwhile Section 438 Cr.P.C., 1973) and the inherent powers of this Court under Section 528 BNSS, 2023 (erstwhile Section 482 Cr.P.C.) operate within distinct legal

domains, they are not entirely sequestered from the factual substratum of a case.

Where a plea for Anticipatory Bail has been deliberated upon and rejected on merits (and more so, when that rejection has attained finality through subsequent dismissal of appeal, whereby it was impugned) there arises a formidable judicial finding regarding the existence of a *prima facie* case. By declining the prayer for grant of Anticipatory Bail, the Court provides a judicial *imprimatur* to the ongoing investigation, signaling that the allegations are of such gravity or substantiated nature that they warrant, or atleast permit custodial interrogation. *Ergo,* thereafter, the investigation is not rendered a mere administrative exercise but a process stamped with judicial legitimacy. To leap from the dismissal of Anticipatory Bail directly to a petition for quashing of FIR, without any material change in circumstances, warranting an interference, is to fundamentally ignore this *prima facie* validity. It is a cardinal principle of legal logic, encapsulated in the maxim *in toto et pars continetur* i.e., the part is contained in the whole, that a litigant cannot seek a superior remedy when the threshold for a subordinate relief has not been met. It is an inherent legal paradox to suggest that this Court, having found the petitioner's case insufficient to warrant the "lesser" relief of protection from arrest, would, on the same factual matrix, grant the "larger" relief of absolute exoneration via quashing. To entertain such a plea would be to turn the legal hierarchy on its head. Seeking the quashing of FIR, immediately following the failure of an Anticipatory Bail petition, in the absence of any material change in circumstances, is a futile

pursuit of an outcome that even the logic does not support. This attempt to secure *a second bite at the apple,* is an inherently absurd legal endeavour. Such a manoeuvre is not merely a misuse of the process of law; it is rather an affront to the principles of judicial finality, as it compels the court to re-deliberate a position already settled during earlier proceedings. By adopting such a course, the petitioner herein engages in a form of procedural artifice that is antithetical to the *bona fides* required of a litigant invoking the extraordinary jurisdiction of this Court.

Consequently, such petition born out of a desire to circumvent the statutory machinery, must be viewed as an attempt to frustrate the administration of justice and cannot be countenanced by this Court.

6.1. This Court must hasten to add a necessary caveat to the aforementioned observations to maintain the fine balance of procedural equity.

While it is forth coming from above discussion that a petition for quashing of FIR is not entertainable, immediately, following the dismissal of an anticipatory bail plea, absent a radical metamorphosis in the factual circumstances; however, the converse of this proposition does not hold true. The dismissal of a petition for quashing the FIR does not, *ipso facto*, operate as a jurisdictional bar to the entertainment of an application for anticipatory bail. Since the quashing of an FIR is the ultimate and most *larger* relief, effectively terminating the prosecution in its infancy, its denial merely signifies that there is sufficient material to proceed with an investigation. It does not, by necessary implication, mean that the *smaller*

and more transitory relief of protection from arrest is unwarranted, as the criteria for evaluating the necessity of custodial interrogation differ fundamentally from the high threshold required to terminate a criminal proceeding altogether. Furthermore, the dismissal of a quashing petition under Section 528 BNSS is often based on the principle that the Court will not conduct a mini-trial at the threshold; yet, the liberty of the individual remains a sacrosanct constitutional value under Article 21. Therefore, even if the Court declines to quash an investigation, the door to anticipatory bail remains ajar, as the accused may still demonstrate that his arrest is not a requisite for the effective administration of justice. To hold otherwise would be to create a legal *cul-de-sac*, unfairly penalizing a litigant for invoking a higher remedy.

7. Reverting to the facts of the *petition in hand*, it remains an undisputed position that the prayer of the petitioner seeking grant of anticipatory bail stood declined by this Court, *vide* Order dated 04.02.2026. The challenge carried thereagainst by way of SLP before the Hon'ble Supreme Court also did not find favour with the Hon'ble Supreme Court, which came to be dismissed *vide* Order dated 16.02.2026. The judicial *imprimatur* thus accorded to the rejection of anticipatory bail by the High court of land lends finality, at least at this stage, to the assessment of the petitioner's entitlement to discretionary relief. It is further an admitted and rather telling circumstance that, subsequent to the aforesaid dismissals, the petitioner has neither chosen to surrender before the competent authority(s) nor made himself available for the purposes of investigation. Such

recalcitrant conduct, bordering on deliberate evasion of the due process of law, disentitles the petitioner from invoking the extraordinary and equitable jurisdiction of this Court. The approach adopted by the petitioner appears to be nothing short of a hit and try stratagem. It is more in the nature of an attempt to circumvent the consequences of earlier adverse judicial orders by re-agitating substantially the same cause under the veneer of a different relief.

It is trite that while declining anticipatory bail, the court ordinarily does not, and indeed cannot, mandate the surrender of the accused before the investigating agency. However, this procedural limitation cannot be misconstrued as a license to the petitioner to remain in abscondence and, simultaneously, seek indulgence of the Court in collateral proceedings. The maxim *'he who seeks equity must do equity'* squarely applies; a litigant who stands in defiance of the law cannot be permitted to seek its protection. The petitioner, having failed to secure the concession of Anticipatory bail both before this Court and the Hon'ble Supreme Court, cannot be permitted to achieve indirectly what he could not secure directly. Permitting such a course would not only erode the sanctity of judicial proceedings but would also encourage litigants to indulge in speculative and successive litigation, thereby undermining the administration of criminal justice. Moreover, the relief of quashing of FIR, being extraordinary in nature, is to be exercised sparingly and with circumspection, and only in cases where the allegations, even if taken at their face value, fail to disclose the commission of any cognizable offence or where the continuation of proceedings would amount

to palpable abuse of process. A person who has consciously chosen to evade investigation cannot, in the same breath, seek adjudication on merits of the very proceedings he seeks to thwart. Viewed thus, when both this Court as also the Hon'ble Supreme Court have, upon consideration, declined to extend the protective umbrella of anticipatory bail to the petitioner, it would be wholly incongruous and bereft of sound judicial reasoning to entertain, much less allow, a prayer for quashing of FIR.

7.1. There is another aspect *nay* vital aspect of the matter which deserves to be addressed by this Court.

This Court finds the argument advanced on behalf of the petitioner, asserting a lack of consideration of the anticipatory bail plea on its merits, to be not only factually unsustainable but representative of a distressing state of affairs. A bare perusal of the Order dated 04.02.2026, passed in CRM-M-3280-2026, reveals a well-reasoned judicial determination. Far from being a perfunctory or transient exercise, the said order was the product of an exhaustive appraisal of the factual and legal matrix. Furthermore, this determination has attained absolute finality, having been affirmed by the Hon'ble Supreme Court vide its Order dated 16.02.2026. To now contend that the merits were not considered in their "correct perspective" is a scurrilous and unsubstantiated assault on the sanctity of the judicial record. It is a fundamental tenet of our jurisprudence that while a litigant possesses the inalienable right to impugn a finding before a superior forum, there exists a yawning chasm between the legitimate exercise of an appeal and the deployment of a distorted narrative

to secure collateral relief. The petitioner's instant attempt is a procedural artifice, designed to conflate distinct legal avenues as a stratagem to circumvent adverse findings. By suggesting a failure of judicial application of mind where the record speaks to the contrary, the petitioner essentially seeks to re-litigate a settled issue, an act that reduces the Doctrine of Finality to a mere suggestion rather than a peremptory command of law. This attempt to secure a "second bite at the apple" by casting aspersions on a prior judicial act is hit by the principle of Estoppel by Record and the maxim *Res judicata pro veritate accipitur* i.e. a matter adjudicated is accepted as the truth. To countenance such a practice would be to invite judicial anarchy, where the stability of legal proceedings is sacrificed at the altar of a dis-satisfied litigant's whims. If the solemnity of a Court's order could be vitiated by the simple expedient of labeling it "bad in law" or "unconsidered," the Rule of Law would collapse into a state of perpetual flux. Furthermore, the Petitioner's conduct constitutes a manifest abuse of the process of law, as it compels the Court to revisit a fait accompli. A litigant cannot be permitted to "pick and choose" which judicial findings to respect based on their own subjective convenience; to do so is an affront to Judicial Comity and the integrity of the hierarchy of Courts. This approach betrays a lack of *uberrima fides* (utmost good faith) required when invoking the extraordinary jurisdiction of this Court.

Pertinently, this hit and try methodology is a malady that must be detested by this Court, as it strikes at the very root of judicial propriety. To permit a litigant to treat the dismissal of a prior petition as a mere

interlocutory suggestion, rather than an authoritative pronouncement, is to invite judicial anarchy. When a Court is invited to re-evaluate the same facts and the same law previously adjudicated upon, it creates a perilous risk of conflicting orders, thereby eroding the public faith in the consistency and majesty of the law. The judicial time is a precious public resource, and its diversion into the redundant channels of repetitive pleas is a vexatious abuse of process. Pertinently, such vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the process of law and Courts, ought to be detested. The sanctity of the judicial process will be seriously eroded if such attempt(s) is not responded with firmness. A litigant who misuses the process of law or take liberties with the procedural concession should be left in no doubt about the consequences to follow. Others should be discouraged not to venture along the same path in the hope or on a misplaced expectation of judicial leniency or indulgence. Exemplary costs, in such a situation are inevitable and necessary, so as to ensure that in litigation, as in the law which is rather practiced in our Country, there is no premium on such a misplaced adventurism. Accordingly, costs, which ought to be veritable and real time in nature, to be imposed upon the petitioner.

8. In view of the prevenient ratiocination, it is ordained thus:

(i) The *petition in hand* is, thus, devoid of merits and is, accordingly, dismissed with costs of Rs. 5,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Mohali within four weeks from today. In case such costs are deposited; CJM, Mohali shall have the same remitted to the District Legal Services Authority, Mohali. In case,

the said costs are not deposited by the petitioner as directed for; the CJM, Mohali is directed to intimate the Deputy Commissioner, Mohali who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Mohali shall have the same submitted to CJM, Mohali, for further remittance thereof to The District Legal Services Authority, Mohali. A compliance report be sent by CJM, Mohali as also Deputy Commissioner, Mohali to this Court, accordingly;

(ii) Registry is directed to transmit a copy of this judgment to CJM, Mohali as also Deputy Commissioner, Mohali for requisite compliance;

(iii) Any observations made and/ or submissions noted hereinabove shall not have any effect on the merits of the case and the Trial Court shall proceed further, in accordance with law, without being influenced with them.

(iv) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 06, 2026
Mahavir/*Ajay*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No