

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Virinder Aggarwal, J.)

DIDAR SINGH AND ANOTHER

Vs.

STATE OF PUNJAB

Criminal Miscellaneous (M) No. 34131 of 2026 (O&M)

Decided on : 21-07-2026

A. Anticipatory Bail — Section 482 CrPC (BNSS 2023) and Section 438 CrPC (1973) — Petition for anticipatory bail dismissed — Allegations of forgery and illegal lease transactions concerning religious institution property — Court found petitioners to be beneficiaries of impugned lease deeds executed on strength of allegedly forged General Power of Attorney — Custodial interrogation deemed indispensable for unearthing conspiracy and identifying co-accused. [Paras 1, 5, 5.1, 5.2]

B. Criminal Law — FIR registered under Sections 409, 420, 467, 468, 471 IPC (BNSS 2023 Sections 316, 318(4), 338, 336(3), 334) and 120-B, 34 IPC — Allegations of criminal conspiracy and fraud related to management and alienation of Dera property — Dispute rooted in long-standing civil dispute over succession and management of religious institution — Petitioners claimed to be bona fide lessees under registered lease deed. [Paras 1, 2, 2.1, 2.2, 3]

C. Religious Institutions — Management and alienation of property — Dera Banga Bhangala — Succession to Mahant office governed by custom and registered Wills — Property of religious and charitable institution not personal property of Mahant — Authority of Mahant to alienate or create leasehold rights subject to investigation — Allegations of forged General Power of Attorney and illegal lease transactions. [Paras 2, 5, 5.1]

D. Civil Dispute vs — Criminal Offence — Petitioners argued that FIR arose from a civil dispute and no custodial interrogation was required — Prosecution contended that investigation revealed active involvement of petitioners in illegal lease transactions and that custodial interrogation was necessary for a thorough investigation — Court found the case not fit for anticipatory bail due to gravity of allegations and necessity of custodial interrogation. [Paras 3, 4, 4.1, 5.1, 5.2]

JUDGMENT

Virinder Aggarwal, J.-The present petition has been instituted under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of the Code of Criminal Procedure, 1973), seeking the concession of anticipatory (pre-arrest) bail in FIR No. 144 dated 29.05.2026, registered under Sections 409, 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code, 1860 (corresponding to Sections 316, 318(4), 338, 336(3), 334, 61 and 3(5) of the Bharatiya Nyaya Sanhita, 2023), at Police Station City Tarn Taran, District Tarn Taran (Annexure P-14).

2. Briefly stated, the prosecution case arises out of a long-standing dispute concerning the management and administration of Dera Banga Bhangala, a religious institution situated in District Tarn Taran. The succession to the office of Mahant has consistently taken place in accordance with the customs and traditions of the Nirmala sect through duly executed registered Wills, culminating in Mahant Varunpal Singh succeeding late Mahant Baljit Singh pursuant to a registered Will dated 16.02.2018, followed by the customary religious ceremony held on 20.03.2018. The said succession, as well as the consequential revenue entries, stood affirmed by the competent revenue authorities, and the challenges thereto preferred by the complainant were dismissed by the Sub-Divisional Magistrate, Tarn Taran, on 26.03.2019, and thereafter by the Deputy Commissioner, Tarn Taran, on 01.09.2021.

2.1. Owing to his stay abroad, Mahant Varunpal Singh executed a registered General Power of Attorney dated 20.07.2021 in favour of co-accused Bikram Singh for managing the affairs of the Dera. The authenticity of the said General Power of Attorney was repeatedly affirmed by Mahant Varunpal Singh through sworn affidavits, e-mails and subsequent notarized documents executed abroad. Despite the same, the complainant persistently questioned its genuineness and initiated multiple complaints before various authorities alleging illegal alienation of Dera property. It is the petitioners' specific case that such allegations are wholly unfounded and are the outcome of a continuing civil dispute relating to the management of the Dera.

2.2. The petitioners further assert that they are bona fide lessees, having acquired leasehold rights under a registered Lease Deed dated 06.02.2022, executed by Bikram Singh in his capacity as the duly authorized General Power of Attorney holder of Mahant Varunpal Singh. It is contended that the petitioners entered into the transaction in good faith, for valuable consideration, and were lawfully inducted into possession pursuant to a registered instrument. It is further submitted that even the civil proceedings initiated in relation to the Dera property culminated in orders favourable to the management represented by Mahant Varunpal Singh, and that a compromise was subsequently effected with the Gurudwara Committee acknowledging his status as the lawful Mahant.

2.3. It is further the case of the petitioners that, without affording them any opportunity of hearing and in disregard of the directions issued by this Court vide order dated 08.05.2025, the Director, Bureau of Investigation, Punjab, passed an order dated 15.04.2026 recommending criminal action against several persons, including the petitioners, solely on the basis of an enquiry report dated

29.01.2026. The said order and enquiry report were challenged before this Court, but the petition was withdrawn on 25.05.2026 with liberty to avail the alternative remedy. Before such remedy could be pursued, the present FIR came to be registered on 29.05.2026, giving rise to the present proceedings.

3. Learned counsel for the petitioners contended that the petitioners have been falsely implicated in a dispute which is essentially civil in nature concerning the management and succession of Dera Banga Bhangala. It is submitted that the succession of Mahants has consistently been governed by duly executed registered Wills, the status of the Mahants has been recognized by competent authorities as well as by this Court, and the General Power of Attorney executed in favour of co-accused Bikram Singh was a duly registered document. The challenge to the mutation in favour of Varunpal Singh had already been dismissed by the competent revenue authorities, and even the Gurudwara Committee subsequently acknowledged him as the lawful caretaker of the Dera. Learned counsel further submitted that the present FIR has emanated from a long-standing civil dispute which has already been the subject matter of various proceedings before this Court, wherein directions had been issued for an independent inquiry in accordance with law. It is argued that the allegations are founded primarily on documentary material, no custodial interrogation of the petitioners is required, no recovery remains to be effected.

3.1. It is lastly contended that the petitioners have clean antecedents, are not likely to abscond or tamper with the evidence, and their custodial interrogation would serve no useful purpose. Accordingly, it is prayed that the present petition be allowed and the petitioners be granted the concession of anticipatory bail.

4. Per contra, learned State counsel, duly assisted by learned counsel appearing for the complainant, has vehemently opposed the present petition. Reliance has been placed upon the status report filed by way of an affidavit of Sukhbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran, submitted in compliance with the order dated 08.07.2026 passed by this Court. It is contended that the General Power of Attorney relied upon by the accused persons is forged and fabricated, and the investigation has disclosed the active involvement of Mahant Varunpal Singh, co-accused Bikram Singh, certain revenue officials, as well as the present petitioners in the execution of illegal lease transactions pertaining to the property of Dera Banga Bhangala. It is further submitted that sufficient incriminating material has surfaced during the course of investigation against the present petitioners, namely Didar Singh and Bachittar Singh, demonstrating their active participation in the impugned lease transactions concerning land belonging to the religious and charitable institution. The petitioners are stated to be beneficiaries of the lease deeds executed on the strength of the disputed General Power of Attorney. The lease deeds, consequential revenue entries, official records collected from the Revenue Department and the statements recorded during investigation prima facie establish their involvement in the alleged criminal conspiracy, which necessitates a thorough investigation and appreciation of evidence during trial.

4.1. Learned State counsel further submits that, if enlarged on anticipatory bail, the petitioners may evade the process of law, influence material witnesses, tamper with documentary evidence or even leave the country without prior

permission of the competent Court, thereby adversely affecting the investigation. It is, therefore, contended that the petition has been filed solely to thwart a fair investigation and to secure immunity from custodial interrogation. Accordingly, it is prayed that the petition, being devoid of merit, be dismissed and the concession of anticipatory bail be declined.

5. Having heard learned counsel for the parties and upon a prima facie consideration of the material placed on record, this Court finds that, as per the status report, both the petitioners are beneficiaries under the impugned lease deeds allegedly executed in respect of the Dera property on the strength of a General Power of Attorney purportedly executed by Mahant Varunpal Singh in favour of co-accused Bikram Singh, which the prosecution asserts to be forged and fabricated. Prima facie, the property in question belongs to a religious and charitable institution and does not constitute the personal property of the Mahant. Consequently, the authority of Mahant Varunpal Singh to alienate or create leasehold rights over the Dera property itself forms the subject matter of investigation.

5.1. The prosecution has specifically asserted that the custodial interrogation of the petitioners is indispensable for unearthing the complete conspiracy, tracing the modus operandi allegedly adopted for creating the disputed General Power of Attorney and the consequential lease deeds, and identifying the involvement of other co-accused, who are yet to be apprehended. The investigation further indicates the possible complicity of certain revenue officials in facilitating the impugned transactions, and the role of such officials is also under active investigation. At this stage, the investigation is at a crucial stage and custodial interrogation of the petitioners cannot be said to be unwarranted.

5.2. In view of the nature and gravity of the allegations, the material collected during investigation, and the necessity of custodial interrogation for an effective and meaningful investigation, this Court does not find it to be a fit case for extending the extraordinary relief of anticipatory bail. Accordingly, without expressing any opinion on the merits of the case, lest it prejudice either side during trial, the present petition, being devoid of merit, is hereby **dismissed**.

6. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings, shall also stand disposed of. No separate or further orders are required to be passed in respect thereof.