

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MP(M) No. : 2815 of 2025**

**Reserved on : 24.12.2025**

**Decided on : 31.12.2025**

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Anupam Mehndiratta

...Applicant

Versus

State of Himachal Pradesh

...Respondent

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*Coram*

**The Hon'ble Mr. Justice Virender Singh, Judge.**

*Whether approved for reporting?<sup>1</sup>*

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For the applicant : Mr. Atul Jhingan, Advocate.

For the respondent : Mr. H.S. Rawat and Mr. Mohinder Zharaick, Additional Advocates General with Ms. Avni Kochhar Mehta, Deputy Advocate General, assisted by HC Narender Singh, No.38, Police Station East Shimla, H.P., for the respondent.

Mr. Deepak Nayar, Ms. Shruti Nayar and Ms. Rameshwari Sharma, Advocates for the complainant.

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**Virender Singh, Judge**

Applicant–Anupam Mehndiratta, apprehending his arrest, in case arising out of **FIR No.103 of 2025, dated 01.11.2025, registered, under Sections 420, 465,**

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<sup>1</sup> *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

**468 and 471 of the Indian Penal Code (hereinafter referred to as the IPC'), with Police Station, East Shimla, District Shimla, H.P.,** has filed the present application, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS').

2. By way of the present application, indulgence of this Court has been sought to direct the Police/ Investigating Officer of Police Station East Shimla, District Shimla, H.P., to release him on bail, in the event of his arrest, in the above noted case.

3. The relief, as claimed, in the application has been sought on the ground that the applicant is innocent and has falsely been implicated, in this case, by the Police, at the instance of his brother, Ravi Shankar Mehndiratta, who is NRI and residing in Australia.

4. According to the applicant, he is having civil litigation with his brother. Elaborating his stand, he has pleaded that the present FIR is nothing, but, the counter blast to the said civil litigation.

5. It is the further case of the applicant that he is permanent resident of the address, as mentioned, in the

application and having movable and immovable property in Shimla. All these facts have been pleaded to show that in case, any relief is given to the applicant, he would be available for the trial and may not flee from justice.

6. Apart from this, the applicant, has given certain undertakings, for which, the applicant is ready to abide by, in case, any direction is issued to the I.O./Police, under Section 482 BNSS.

7. The applicant has also tried his luck by moving similar application before the Court of learned Additional Sessions Judge (CBI), Shimla, District Shimla, however, his application was dismissed on 29.11.2025.

8 On the basis of the above facts, Mr. Atul Jhingan, learned counsel appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, any direction is issued to the I.O./Police, under Section 482 BNSS and prayed that the application may kindly be allowed.

9. When put to notice, the police has filed the status report, on 01.12.2025, disclosing therein, that on

31.10.2025, complainant Ravi Shankar Mehndiratta, appeared before the police of Police Station East Shimla, disclosing therein the following facts:-

*To, The SHO Police Station Chotta Shimla, Shimla East, Shimla, Himachal Pradesh-171002  
Date: October 31, 2025 Subject: Complaint for immediate FIR against Anupam Mehndiratta for fraudulent affidavits and property fraud.  
Respected Madam/Sir, I, Ravi Shankar Mehndiratta, aged 57 years, S/O Shri R.P. Mehndiratta, presently residing at Myra Avenue, Ryde, Australia, and permanent address at House No. 304, Ward No. 15, Distt. Fatehgarh Sahib, Humayunpur, Sirhind, Punjab-140406 Contact: +91-8284800745, +61-425298745), do hereby lodge this complaint against my younger brother Anupam Mehndiratta (aged approximately 54 years), residing at House No. 34, Sector-21-A, Chandigarh and Vikas Nagar, Shimla-9, Himachal Pradesh. I am an NRI and the lawful owner of Shop No. 10, S.D.A Shopping Complex, Vikas Nagar, Shimla-9, Himachal Pradesh which was allotted to me by H.P. Nagar Pradhikaran, Kasumpti, Shimla. The Lease Deed was executed on 29-12-1995. I possess all original documents and regularly pay property taxes. My brother Anupam Mehndiratta, who is habitual of such crimes, has fraudulently executed two affidavits to illegally grab my property. The first fraudulent affidavit dated 21-02-2019 was made in my name falsely claiming I intend to transfer the shop to him and was notarized at Shimla on 21-02-2019 containing forged signatures. The second fraudulent affidavit dated 21-02-2019 was made by Anupam Mehndiratta himself falsely claiming the ownership of the shop was notarized at Shimla on 21-02-2019. I was NOT present in India during this period, when both these affidavits were executed as I was residing in Australia during this entire period. My passport,*

*visa records, and immigration stamps conclusively prove my absence from India. The accused fraudulently executed these affidavits himself, forged my signatures, and misrepresented facts with criminal intent to dispossess me of my lawful property. The accused has committed serious offences including Cheating, Criminal Breach of Trust, Fabricating False Evidence and other applicable provisions. I request you to kindly lodge an immediate FIR against Anupam Mehndiratta and conduct investigation into these fraudulent affidavits. I am ready to provide all original documents including lease deed, property tax receipts, and passport with travel records, and copies of fraudulent affidavits as evidence. I have also enclosed a statutory declaration/affidavit from our mother (Mrs. Savitri Devi Mehndiratta) who has stated under oath the criminal activities conducted by Anupam Mehndiratta. Sd/- Ravi Shankar.*

10. On the basis of the above facts, the police registered the case and criminal machinery swung into motion.

11. As per the status report filed on 01.12.2025, the investigation is at the initial stage, as, the requisite correspondences have been made with the Executive Officer and Secretary HIMUDA to obtain the requisite documents.

12. Considering the said status report, interim protection was granted to the applicant and the matter was adjourned to 08.12.2025.

13. On 08.12.2025, the police has filed supplementary status report, disclosing therein, that on 30.11.2025, complainant submitted the requisite documents before the police, which were taken into possession. As per those documents, on the passport of complainant Ravi Shankar Mehndiratta, stamps of arrival and departure of the complainant, have been found.

14. In addition to this, the complainant has produced the Air travel tickets. During investigation, the passport was found of the complainant and passport type-P, issued by Australian Government and on the said passport, the date of birth of the applicant was found to be 02.11.1967.

15. The said passport is valid upto 10.10.2026. As per those documents, complainant had left India on 07.01.2019 for Australia and returned back to India on 17.01.2020, whereas, on 21.02.2019 and 30.07.2019, forged documents, by putting his forged signatures over

the affidavit, were got prepared, with regard to his shop No.10, SDA Complex, Vikasnagar, Shimla and those documents were submitted to HIMUDA. During that period, the applicant was not in India.

16. It is the further case of the police that on 04.12.2025, requisite documents were obtained from HIMUDA Office. As per those documents on 21.02.2019, three affidavits, allegedly executed by the complainant, were submitted in the department, whereas, the Aadhar number and phone number mentioned in those documents were found to be of applicant Anupam Mehndiratta. Those documents were allegedly signed by Anupam Mehndiratta and those documents were attested by Surender Singh Deshta, Advocate and identified by Shri Narender Singh, Advocate.

17. During investigation, it has been found that complainant got recorded his statement to the police that Anupam Mehndiratta (applicant), has got prepared false application form and affidavit, for grabbing Shop No.10, in SDA Shopping Complex and those documents were

submitted on 21.02.2019 and 30.07.2019 with HIMUDA, as, during that period the complainant was not in India.

18. During investigation, Notary Public Shri Surender Singh Deshta, Advocate, Narender Singh Advocate and Ms. Versha Gupta, were associated. They have also disclosed that the documents, which were allegedly prepared on 21.02.2019 and 30.07.2019, those were allegedly got prepared by Anupam Mehndiratta (applicant). Even, he has allegedly signed on the Aadhar Card also.

19. In this case, the complainant has also filed the objections and placed on record the documents. Those documents were ordered to be taken on record. As per those documents, there is history of litigation between the complainant and accused, who are not strangers, but real brothers.

20. Apart from the criminal litigation, the complainant has filed under Section 138 NI Act against the applicant before the Court of learned Judicial Magistrate Chandigarh. Not only this, applicant Anupam Mehndiratta

has filed the suit for declaration against complainant Ravi Shankar Mehndiratta and others.

21. In the status report filed on 24.12.2025, similar stand has been taken by alleging that some of the witnesses are yet to be inquired and specimen signatures/hand writing of the applicant is yet to be obtained.

22. On the basis of the above facts, a prayer has been made to dismiss the application.

23. At the time of deciding the bail application, this Court is not supposed to dwell into the allegations/counter allegations to determine the guilt/innocence of the applicant. At this stage, only the prima facie case, as well as, the evidence, so collected, by the prosecution is to be considered.

24. At the time of deciding the bail application, seriousness of the allegations and availability of the applicant for trial are to be seen. The applicant is not stranger to the complainant, but, his real brother, who were having civil/criminal litigation.

25. The allegations are mainly based upon the documentary evidence, which is admittedly, in the possession of the investigating agency. As such, denial of the relief to the applicant, is nothing, but, pre-trial punishment, which is prohibited under the law, as, the punishment can only be inflicted, after the conclusion of trial.

26. The role, allegedly attributed by the applicant, in the commission of alleged crime, will be proved after completion of trial.

27. Considering all these facts, the interim order dated 01.12.2025, passed by this Court, is hereby made absolute. Therefore, it is ordered that the applicant be released on bail, in the event of his arrest, in case arising out of **FIR No.103 of 2025, dated 01.11.2025, registered, under Sections 420, 465, 468, and 471 of the IPC, with Police Station, East Shimla, District Shimla, H.P.**, on his furnishing personal bond, in the sum of ₹50,000/-, with one surety of the like amount, to the satisfaction of the Investigating Officer.

28. This order, however, shall be subject to the following conditions :

- a) That the applicant shall join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*
- b) That the applicant shall not leave India, without prior permission of the Court;*
- c) That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person, acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Investigating Officer or the Court; and*
- d) That the applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so seek exemption from appearance by filing appropriate application.*

23. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present application.

24. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found violated by the applicant.

Record be sent back to the quarter concerned.

**( Virender Singh )**  
**Judge**

**December 31, 2025 (ps)**