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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Anil Yadav and another

...Petitioners

V/s

State of Haryana

...Respondent

Date of decision: 27.07.2026

Date of Uploading : 28.07.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Prashant kharb Budhera, Advocate for the petitioners.

Mr. Deepak Sabherwal, Additional Advocate General Haryana
Mr. Karan Goel, Deputy Commissioner of Police,
West Gurugram (through Video Conference).

Mr. Sanjay Kaushal, Senior Advocate with
Mr. Arjun Kaushal, Advocate
Ms. Devyani Kaushal, Advocate and
Mr. Abhimanyu Kaushal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioners seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.75 dated 29.01.2026 registered for offences punishable under Sections 406, 420, 120-B of IPC at Police Station Badshahpur, District Gurugram.
2. The prosecution case, as set-out in the petition in hand, is that petitioner No.1 namely Anil Yadav and petitioner No.2 namely Sushila Yadav had represented themselves to be the absolute owners of the land in question and entered into an Agreement to Sell dated 23.10.2023 with the



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complainant for a total consideration of ₹9.60 crore. Initially, an amount of ₹40 lacs was paid by way of cheque as earnest money, followed by further cheque payments of ₹1 crore. Thereafter, according to the complainant, cash payments of ₹2 crore on 02.01.2024 and ₹3.58 crore on 18.01.2024 were also made which were allegedly acknowledged by the petitioners on the reverse side of the Agreement to Sell. Thus, a total amount of about ₹8 crore was allegedly paid to the petitioners out of total sale consideration of ₹9.60 crores. As per the complainant, despite her continuous readiness and willingness to pay the remaining sale consideration, the petitioners kept postponing the execution of the sale-deed on one pretext or another, including the Haryana Assembly Elections and the medical condition of petitioner No.1. Subsequently, they completely stopped responding and deliberately avoided the execution of the sale-deed. Furthermore, legal notice(s) were served upon them but they neither honoured the agreement nor returned the money. It has also been alleged that the petitioners had concealed the fact that acquisition proceedings and a *status quo* order of this Court existed in respect of the property, and this concealment, according to the complainant, induced her into entering the transaction. On these allegations, the present FIR came to be registered.

3. Learned senior counsel for the petitioners has iterated that the dispute is purely civil in nature arising out of a contractual transaction under an Agreement to Sell. Learned senior counsel has further iterated that the petitioners are the lawful owners of the property and have received only ₹1.40 crores through banking channels. According to learned senior counsel, the allegations with regard to cash payments exceeding ₹5 crores



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are stated to be completely false, fabricated and improbable particularly when such huge cash transactions are alleged to have taken place without any documentary proof except alleged endorsements on the reverse side of the agreement. It has been further contended that the complainant has herself failed to appear before the Sub-Registrar with the balance sale consideration within the stipulated period and, therefore, the petitioners have terminated the Agreement to Sell by serving a legal notice dated 09.02.2024. It has been further contended that the complainant has never instituted any suit for specific performance and after an unexplained delay of almost two years, resorted to criminal proceedings only because the value of the land has substantially increased. It has been further contended that the present FIR is merely a pressure tactic in order to convert a civil dispute into a criminal prosecution. It has been further contended that the allegations contained in the FIR, even if taken at their face value, do not disclose the commission of any offence of cheating, criminal breach of trust or forgery. Furthermore, the entire case is based on documentary evidence which is already available with the investigating agency and no recovery is required to be effected from the petitioners. Learned senior counsel has emphasized that the petitioners have fully cooperated with the investigation conducted by the Economic Offences Wing and have already appeared before the investigating agency in response to the notice(s) issued to them and shall continue to join the investigation as and when required. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. Referring to reply/status report dated 01.04.2026 by way of an affidavit of Vishal, HPS, Assistant Commissioner of Police, EOW-I and II,



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Gurugram, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the allegations levelled against the petitioners are grave, serious and supported by specific material collected during the course of investigation. The relevant part of the reply reads as under:

“15. That the role of the petitioners Anil Yadav and Sushila Yadav in the present case is that they had entered into agreement to sell dated 23.10.2023 with the complainant’s father Ram Avtar Gupta for sale of one acre plot at village Noorpur Jharsa for Rs. 9.60 crore. During the execution of the agreement, a sum of Rs.1.40 crore was paid through RTGS and later on, the sum of Rs.6.60 crore was paid to the petitioners through RTGS and cash. The sale deed was to be executed before 10.01.2024. However, they did not get the sale deed registered within the stipulated time. Rather, the petitioners sent a forged agreement dated 23.10.2023 wherein it was mentioned that after separation of Khewat/Khata numbers by the petitioners, the agreement shall remain valid for one month. In this way, the petitioners committed fraud and forgery with the complainant.”

Raising submissions in tandem with the aforesaid reply/status report, learned State counsel has iterated that the allegations against the petitioners are grave and disclose the commission of cognizable offences involving cheating, criminal breach of trust and criminal conspiracy in respect of a transaction involving an amount of nearly ₹8 crore. According to learned State counsel, the petitioners, after inducing the complainant to enter into the Agreement to Sell, received substantial amounts towards the sale consideration and thereafter deliberately avoided the execution of the sale-deed on one pretext or another. Learned State counsel has emphasized that the petitioners have concealed the pendency of acquisition proceedings and the *status quo* order passed by this Court with regard to the property in



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genuineness of the endorsements made on the reverse side of the Agreement to Sell, the source and flow of the money, the financial transactions between the parties and the authenticity of the documents relied upon by both sides are all matters requiring detailed investigation.

4.1. Learned State counsel has further drawn the attention of this Court to status report dated 13.07.2026 by way of affidavit of Vishal, HPS, Assistant Commissioner of Police, Headquarter-III, Gurugram and has submitted that during the pendency of the investigation and the present petition, attempts have been made to interfere with the administration of justice and to influence the prosecution witnesses. Learned State counsel has pointed out that one of the prime witness(s) in the case received repeated phone calls from an unknown person who falsely impersonated himself as an investigating officer and demanded confidential documents such as Aadhaar and PAN details of the complainant under the pretext of facilitating the arrest of petitioner No.1 namely Anil Yadav. According to learned State, these acts have been intended to obstruct the ongoing investigation and intimidate the witnesses. Furthermore, during the course of investigation, the police obtained the call detail records which reflect 142 telephonic conversations between the mobile number used for making the calls and petitioner No.1 namely Anil Yadav besides 414 conversations with co-accused Dharmender Yadav. On verification, the mobile number was found to be registered in the name of one Vishnu Kumar. During investigation, Vishnu Kumar disclosed that his mobile phone had been used by Ajay Malhotra, who was employed in the company of petitioner No.1 (namely Anil Yadav) who had borrowed his phone on the date of occurrence for



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making calls to clients. The statement of Vishnu Kumar under Section 183 BNSS has also been recorded before the learned Magistrate, wherein he specifically stated that the voice in the recording was that of Ajay Malhotra and not his own. The investigation is now directed towards tracing and apprehending Ajay Malhotra, who has not yet joined the investigation despite efforts by the investigating agency. Accordingly, on the basis of complaint of Shatrughan Yadav (prosecution witness), FIR No.312 dated 25.05.2026 under Sections 204, 319 and 62 of BNS was registered at Police Station Badshahpur, Gurugram. Learned State counsel has contended that the aforesaid material *prima facie* establishes that an attempt has been made by the petitioners to interfere with the investigation and influence the material witnesses and, therefore, there exists a real apprehension that if the petitioners are granted the concession of anticipatory bail, they may tamper with evidence, influence witnesses and obstruct fair investigation. Moreover, the investigation is still at a crucial stage and the custodial interrogation of the petitioners is necessary to ascertain the complete conspiracy, verify the financial trail, recover the relevant documents and identify the role of all persons involved. Accordingly, the dismissal of the instant petition is prayed for.

5. Learned senior counsel appearing for the complainant has raised submissions in tandem with the State counsel. Learned senior counsel has iterated that the allegations cannot be termed as merely a civil in nature at this stage, as the material on record *prima facie* discloses dishonest intention and inducement from the very inception of the transaction.

According to learned senior counsel, the material collected during the



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course of investigation clearly reflects that the petitioners, in furtherance of a pre-planned conspiracy, induced the complainant to enter into an Agreement to Sell by falsely representing that they were competent to transfer the property and intentionally concealed the material facts relating to the land. On the basis of such assurances/representations, the complainant paid an amount of approximately ₹8 crores, out of which ₹1.40 crore was paid through banking channels and the remaining amount was paid in cash, which was duly acknowledged by the petitioners on the reverse side of the Agreement to Sell. Despite receiving such a substantial amount, the petitioners deliberately avoided execution of the sale deed and kept demanding additional money on one pretext or another. Considering the seriousness of the allegations and the active role attributed to the petitioners, the dismissal of the petition in hand is prayed for.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the material available on record, indubitably, serious allegations have been levelled against the petitioners. The allegations levelled in the FIR, at this stage, *prima facie* cannot be brushed aside as merely giving rise to a civil dispute. As per the allegations, the petitioners induced the complainant to part with huge amount of money by representing that they would execute the sale deed; received substantial consideration and thereafter intentionally avoided performing their obligations. The allegations further reflect concealment of material facts relating to acquisition proceedings and the *status quo* order passed by this Court in an earlier litigation with regard to the property in question. Although learned



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senior counsel for the petitioners has argued that only ₹1.40 crore has been received by the petitioners through banking channels and the alleged cash payments are fabricated but in the considered opinion of this Court the veracity/correctness of these rival version(s) cannot be adjudicated at this stage while considering a plea for grant of anticipatory bail. The disputed endorsements on the Agreement to Sell, the alleged acknowledgement(s), the financial trail and other surrounding circumstances are matters which require detailed investigation. The amount involved is substantial which *prima facie* indicates the seriousness and gravity of the offence. In the considered opinion of this Court, the economic offences of such magnitude cannot be treated at par with ordinary offences as they have far-reaching consequences on public trust. The plea raised on behalf of the petitioners that the dispute is purely civil in nature does not persuade this Court at this stage. In the considered opinion of this Court, merely because the transaction pertains to sale and purchase of land or involves monetary dealings would not, by itself, take away the criminality if the allegations *prima facie* disclose dishonest inducement and deception right from the inception. The question(s) as to whether the transaction has failed on account of a *bona fide* dispute or whether the intention to deceive existed from the very beginning is a matter which requires thorough investigation and cannot be conclusively adjudicated upon in a petition seeking grant of anticipatory bail. At the stage of anticipatory bail, the Court is primarily required to examine the nature and gravity of accusations and the role attributed to the accused. The exact nature and extent of the involvement of



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the petitioners requires deeper investigation for which custodial interrogation of the petitioners may be essential.

8. Apart from the allegations relating to cheating and criminal breach of trust, another pertinent *may* vital aspect of the matter which craves attention of this Court is that as per the affidavit dated 13.07.2026 filed by the State, during the pendency of the investigation, a prime prosecution witness has submitted a complaint alleging that he has received repeated telephone calls from a person impersonating as police officer who demanded confidential document(s) of the complainant on the false pretext of facilitating the arrest of petitioner No.1. During investigation, it was found that the mobile number in question was registered in the name of one Vishnu Kumar and his statement under Section 183 of the BNSS was recorded before the learned Magistrate wherein he stated that on the relevant day his mobile phone has been used by Ajay Malhotra, an employee with the company of petitioner No.1 and the voice contained in the recording was of Ajay Malhotra who is yet to be apprehended. In the considered opinion of this Court, such conduct is a relevant factor which cannot be overlooked while considering the prayer for anticipatory bail.

9. Furthermore, no cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present FIR. It goes without saying that in the instant case, the allegations against the petitioners, as emerging from the FIR and material placed on record, are neither vague nor general in nature. At this stage, the material collected during investigation *prima facie* discloses active participation and a specific role attributable to the



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petitioners in the alleged acts of cheating and conspiracy. The investigation is at nascent stage. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wider impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. The material which has come on record and the preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”



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10. In view of the gravity of the allegations, the magnitude of the alleged financial transaction, the nature of the evidence yet to be collected and the subsequent developments reflected in the affidavit dated 13.07.2026, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

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

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 27, 2026
Ajay

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