



CRM-M-29877-2026
CRM-M-31384-2026

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106 (2 cases)

1. CRM-M-29877-2026

Brij Kishore @ Brij Kishor

...Petitioner

V/s

State of Haryana

...Respondent

2. CRM-M-31384-2026

Jitender Yadav

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 06.07.2026

Date of Uploading : 08.07.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Baljeet Beniwal, Advocate for the petitioner
(in CRM-29877-2026)

Mr. Kartik, Advocate for the petitioner
(in CRM-M-31384-2026) through V.C.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Dr. Pankaj Nanhera, Senior Advocate with
Mr. Anurag Mor, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. By this common order, the aforesaid two petitions are being disposed of together, as they emanate from a common FIR.

For brevity, the facts are being taken from CRM-M-29877-2026 titled as *Brij Kishore @ Brij Kishor vs. State of Haryana*.

2. The present petitions have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 Cr.P.C.) seeking the concession of anticipatory bail in FIR No.77 dated



CRM-M-29877-2026
CRM-M-31384-2026

2

351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 registered at Police Station Sadar Ballabgarh, District Faridabad.

3. As per the prosecution case, the complainant namely Dinesh Singh alleged that his father had entered into an Agreement to Sell dated 20.03.2015 with Bhagwati Devi in respect of Plot No.184 measuring 217 square yards situated in village Mauza Sahupura. As per the complainant, the entire sale consideration had been paid and on account of restrictions prevailing at the relevant time, the sale deed could not be executed. It has been further alleged that the possession of the plot was delivered and construction comprising rooms, boundary wall and electricity connection was subsequently raised and installed over the property. The grievance of the complainant is that after the death of Bhagwati Devi, her legal heirs, namely Jitender, Santosh Rani and Mithilesh, in connivance with petitioner Brij Kishore (in CRM-M-29877-2026) and others, dishonestly created another Agreement to Sell dated 05.01.2026 in favour of Brij Kishore (in CRM-M-29877-2026) and thereafter forcibly occupied the disputed property. It has been further alleged that threats were extended to the complainant and the electricity connection in the name of the complainant was also disconnected by misrepresentation. On these set of allegations, the FIR in question came to be registered and investigation ensued.

During the course of investigation, statement of Mithilesh (daughter of Bhagwati Devi) was recorded wherein she allegedly denied having executed the Agreement to Sell dated 05.01.2026. Consequent thereto, offences relating to forgery and fabrication of documents were added. The investigation has further revealed that an amount of ₹5,00,000/-



CRM-M-29877-2026
CRM-M-31384-2026

3

account of Jitender (in CRM-M-31384-2026) and cash payment of ₹2,00,000/- was also allegedly made.

4. Learned counsel for petitioner — Brij Kishore has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the dispute pertains to the ownership and possession of a plot of land which is essentially civil in nature for which the parties are already litigating before the competent civil Courts. It has been further contended that the complainant has instituted a civil suit for specific performance in the year 2017, which is still pending adjudication and the present FIR has been lodged only to exert pressure upon the petitioner in the ongoing property dispute. Furthermore, the petitioner is a *bona fide* purchaser and has entered into an Agreement to Sell dated 05.01.2026 with the legal heirs of Bhagwati Devi and has paid a sum of ₹23,00,000/- towards the transaction, including ₹21,00,000/- through banking channels and ₹2,00,000/- in cash, which is duly reflected in the agreement. Learned counsel has emphasized that the petitioner has no knowledge of any prior claim of the complainant over the disputed property and, therefore, the essential ingredients of the offences alleged against him are not attracted. It has been further contended that the petitioner has also filed a civil suit for permanent and mandatory injunction and has obtained an ad-interim injunction order from the competent Civil Court which supports his *bona fide* claim. It has been further contended that the allegations regarding forgery are based primarily upon the statement of co-vendor Mithilesh, whose version is disputed and cannot be treated as conclusive at the stage of investigation. Moreover, the authenticity and validity of the disputed agreement can only be determined during the course of trial after



CRM-M-29877-2026
CRM-M-31384-2026

4

appreciation of evidence. Learned counsel has further submitted that the custodial interrogation of the petitioner is not warranted, as no recovery is to be effected from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence, in case, he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4.1. Learned counsel appearing for the petitioner – Jitender Yadav has iterated that the petitioner has been falsely implicated into the FIR in question as the allegations levelled against him arise out of a civil dispute relating to the ownership and possession of the disputed plot. Learned counsel has further iterated that the complainant has already instituted a civil suit for specific performance regarding the property in question which is pending adjudication before the competent Civil Court, and, therefore the present criminal proceedings are nothing but an attempt to give a criminal colour to a purely civil dispute. It has been further contended that the petitioner, being one of the legal heirs of late Bhagwati Devi, was competent to deal with the property and has no intention whatsoever to cheat or defraud the complainant. According to learned counsel, the allegations regarding fabrication of documents are unsubstantiated and are based upon disputed questions of fact which can only be adjudicated during the course of trial. It has been further submitted that no incriminating recovery is to be effected from the petitioner and the entire case is based upon documentary evidence which are already in possession of the investigating agency. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution



CRM-M-29877-2026
CRM-M-31384-2026

5

evidence in case he is enlarged on pre-arrest bail. On the strength of these submissions, the grant of petition in hand is entreated for.

5. *Per contra*, learned State counsel has opposed both the petitions on the ground that the allegations raised against both the petitioners are serious in nature and disclose the commission of offences involving cheating, forgery, use of forged documents, criminal intimidation and criminal conspiracy. According to learned State counsel, the present case cannot be termed as a mere civil dispute as the investigation has revealed material indicating fabrication of documents and active participation of both the petitioners in the alleged illegal transaction. Learned State counsel has emphasized that an Agreement to Sell dated 19.03.2015 was executed by Bhagwati Devi in favour of father of the complainant pursuant to which possession of the disputed plot was allegedly delivered and construction have been raised including installation of the electricity connection. Despite this, the petitioners, in connivance with each other and other accused persons, allegedly executed another Agreement to Sell dated 05.01.2026 in respect of the same property in favour of petitioner Brij Kishore. Furthermore, the petitioner Jitender Yadav has played an important role in the preparation of the forged agreement, including procurement of signatures purportedly on behalf of Mithilesh. It has been contended that the investigation is still at a crucial stage and the custodial interrogation of both petitioners is necessary to unravel the larger conspiracy behind the transaction. In view of the seriousness of the allegations and the nature of the material collected, it is prayed that both the petitions be dismissed.



CRM-M-29877-2026
CRM-M-31384-2026

6

5.1. Learned senior counsel has raised submission in tandem with the contentions raised by learned State counsel and has prayed for the dismissal of the petition(s) in hand.

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

7. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. As per the case put forth in the FIR in question, the allegations against both the petitioners are grave and specific. The petitioner namely Jitender Yadav is alleged to be one of the legal heirs of Bhagwati Devi and

as per the prosecution, he was aware of the earlier Agreement to Sell dated



CRM-M-29877-2026
CRM-M-31384-2026

7

19.03.2015 executed in favour of the father of the complainant. However, he subsequently participated in the execution of another Agreement to Sell dated 05.01.2026 in favour of petitioner Brij Kishore. As per the material collected during the course of investigation, it transpires that a sum of ₹5,00,000/- has been transferred into his bank account by petitioner Brij Kishore & an additional amount of ₹2,00,000/- has allegedly been paid in cash. Furthermore, as per the prosecution, the petitioner Jitender Yadav has facilitated the execution of the disputed agreement despite the claim of co-vendor Mithilesh that she has neither visited Faridabad nor executed the said document. Similarly, petitioner — Brij Kishore is alleged to be the beneficiary of the disputed Agreement to Sell dated 05.01.2026. The investigation conducted so far indicates that he has entered into an agreement with the legal heirs of deceased Bhagwati Devi and paid consideration pursuant thereto. Apart from being the beneficiary of the disputed agreement, specific allegations have been levelled that that he has approached the electricity department for disconnection of an electricity connection in the name of the complainant by allegedly signing the documents in the name of Dharambir. The contention that the matter is purely civil in nature does not, at this stage, persuade this Court to grant the concession of anticipatory bail to the petitioner(s). In the considered opinion of this Court, mere pendency of civil proceedings between the parties cannot be ignored when *prima facie* offence(s) of cheating, forgery and criminal conspiracy are made out and the allegations disclose commission of cognizable offences. The material collected during investigation, including the statement of Mithilesh and the forensic report concerning the disputed signatures, cannot be brushed aside at this preliminary stage.



CRM-M-29877-2026
CRM-M-31384-2026

8

Whether the disputed agreement is genuine or forged is a matter that shall be determined during the trial

9. Moreover, no cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner(s) have been falsely implicated into the present FIR. 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 wide 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 petitioner(s). The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner(s), 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



CRM-M-29877-2026
CRM-M-31384-2026

accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

10. In view of the gravity of the allegations, the nature of the offence and the requirement of the custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner(s) 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) Both the petition(s) are devoid of merits and are 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 06, 2026
Ajay

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