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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Ashwani Sharma

...Petitioner

V/s

State of Haryana and others

...Respondents

Date of decision: 20.07.2026**Date of Uploading : 20.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Lohit Kumar Bimal, Advocate with
Mr. Raghav Bimal and Suhit Jain, Advocates for the petitioner.
Ms. Mahima Yashpal Singla, Senior DAG Haryana.
Mr. Saurabh Bajaj, Advocate for respondent Nos.2 to 4.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.325 dated 29.08.2024 registered for offences punishable under Sections 420 of IPC at Police Station Rajendra Park, Gurugram.

2. As per the prosecution case, the complainants had purchased land measuring 990 square yards situated in Village Daultabad, Gurugram through a registered sale deed dated 27.02.2019 for a consideration of approximately ₹1.96 crores along with stamp duty and registration charges. It has been alleged that the petitioner namely Ashwani Sharma, along with his sons, represented to the complainants that the property was free from all encumbrances, disputes and litigation. Acting upon such representations, the complainants purchased the property and the mutation was subsequently

sanctioned in their favour. Later, the complainants came to know about a



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judgment and decree dated 17.10.2022 passed by the Civil Court whereby Mutation Nos.19141 and 19266, on the basis of which the petitioner had claimed the ownership, were declared illegal, null and void. On the basis of these allegations, it was alleged that the petitioner and his sons had dishonestly induced the complainants to purchase the property by concealing the material facts and thereby caused wrongful gain to themselves. On these set of allegations, the FIR in question came to be registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as the dispute is purely civil in nature which has been given a criminal colour. Learned counsel has further iterated that the petitioner was the owner of the land in question at the time of execution of the registered sale-deed dated 27.02.2019 and hence there was no misrepresentation on the part of the petitioner. It has been further contended that the complainants have themselves verified the revenue record before the purchase of the property in question and the physical possession of the land has also been delivered to them. According to learned counsel, the dispute arose subsequently when an *ex parte* judgment and decree dated 17.10.2022 has been passed in a civil suit instituted by a third party(s). Learned counsel has emphasized that the said decree has been passed after the execution of the sale deed and, therefore, no dishonest intention can be attributed to the petitioner. Furthermore, the complainants have already availed the civil remedies and instituted civil suit regarding the same property which clearly demonstrates that the dispute is civil in nature. Moreover, the essential ingredients of the



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offence of cheating are completely absent as there was neither any inducement nor any fraudulent intention on the part of the petitioner from the inception of the transaction. It has been further contended that the petitioner is a senior citizen suffering from serious medical ailments, including kidney-related complications and loss of vision. It has been further contended that the entire case is based on documentary evidence which are already available with the investigating agency and hence no recovery is to be effected from the petitioner. It has been further contended that the petitioner is ready and willing to join the investigation as and when required and 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. Referring to reply dated 02.06.2026 by way of an affidavit of an affidavit of Vishal, HPS, Assistant Commissioner of Police, EOW-I and II, Gurugram learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations levelled against the petitioner are grave, serious and supported by specific material collected during the course of investigation. The relevant part of the reply reads as under:

“13. That the role of the petitioner Ashwani Sharma in the present case is that he had sold 990 square yards of land-comprising Khasra No. 4348/67/12/2 and Khasra No. 4351/68/2/1, situated within the revenue estate of the Industrial Area, Village Daulatabad, to the complainants/ respondents no. 2 to 4, vide Sale Deed Vasika No. 17418 dated 27/02/2019. The mutation for this transaction was sanctioned on 16/05/2019. The aforementioned sale deed-executed by the accused, Ashwani Sharma-explicitly stated that the plot/land in



question is free from all encumbrances and litigation. However, it was later came forth that the mutation no. 19141 and 19266 pertaining to the land in question have been canceled by the Court of Ld. Civil Judge (Junior Division), Gurugram vide judgment and decree dated 17.10.2022 in Civil Suit No. 135 of 2010. This shows that the land in question was under litigation at the time of execution of sale deed. However, the petitioner deliberately concealed the said fact from the complainant and induced him to execute the sale deed vasika no. 17418 dated 27/02/2019. The petitioner is by name accused in the present FIR.

14. *That the custodial interrogation of the petitioner is required for obtaining information about the Will which was used for sanctioning the mutation no. 19141 dated 22.07.1996, for recovering the said Will, for recovering the money of the complainant, for obtaining information about the modus-operandi, for obtaining information about the other persons involved in the present crime and for obtaining other relevant information regarding the present case.”*

Raising submissions in tandem with the aforesaid reply, learned State counsel has further iterated that the petitioner has deliberately concealed the material facts regarding the title of the property and induced the complainants to purchase the land by representing that it was free from any litigation/encumbrances. Learned State counsel has emphasized that the custodial interrogation of the petitioner is necessary for effective investigation, particularly for recovery of the cheated amount and verification of forged agreements and other relevant documents. Considering the seriousness of the allegations and the stage of investigation, the dismissal of the instant petition is prayed for.

4.1. Learned counsel appearing for the respondent Nos.2 to 4 (complainants) has raised submissions in tandem with the State counsel.

Learned counsel has iterated that the allegations cannot be termed as merely

civil in nature at this stage, as the material on record *prima facie* discloses



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dishonest intention and inducement from the very inception of the transaction. According to learned counsel, the nature of offence clearly indicates the existence of a larger conspiracy which is still under investigation. Accordingly, a prayer has been made for the dismissal of the petition in hand.

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

6. As per the material available on record, indubitably, serious allegations have been levelled against the petitioner. The allegations levelled in the FIR, at this stage, *prima facie* disclose that the petitioner has executed the sale deed in favour of the complainants after assuring them that the property was free from litigation/encumbrances. The sale deed is alleged to have been executed on the basis of mutations which were subsequently declared illegal and void by a competent Civil Court. The complainants have alleged that they have parted with a substantial amount on the basis of representations made by the petitioner and his sons. At this stage, the material collected during the course of investigation *prima facie* indicates active participation of the petitioner as he is the main beneficiary of the sale transaction and the allegations against him cannot be brushed aside as vague or general in nature. 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 petitioner that the dispute is purely civil in nature does not persuade this Court at this stage as merely



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because a 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 from the inception. The material collected during the course of investigation indicates that the complainants have been allegedly induced to part with a substantial amount on the basis of representations made by the petitioner and his sons (co-accused) regarding land which, as per the prosecution, they were not competent to transfer. 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 for 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 the petitioner requires deeper investigation for which custodial interrogation of the petitioner may be essential. The grant of anticipatory bail at this stage may hamper the investigation.

7. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the allegations against the petitioner, 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 petitioner 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 petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, 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.”

8. 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 does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

9. 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 20, 2026
Ajay

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