

CRM-M-35367-2026

1

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

111

CRM-M-35367-2026

Abhinav Sharma

....Petitioner

V/s

State of Haryana

....Respondent

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

Present: Ms. Pia M Bhargava, Advocate for the petitioner
(through Video Conference).

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Abhinav Gupta, Advocate for the complainant.

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.0248 dated 03.09.2025 registered for offences punishable under Sections 406, 420, 467, 468, 471 of IPC at Police Station Sector 56, Gurugram.

2. The prosecution case, as set-out in the petition in hand, is that the complainant had entered into an Agreement to Sell dated 05.08.2020 with the petitioner and his wife regarding the purchase of the second floor of a residential property situated in Sector-56, Gurugram. It has been alleged that the complainant had paid a substantial amount towards the sale consideration which includes the earnest money as also subsequent further payments made at the insistence of the accused persons. As per the

complainant, despite receiving the agreed amount, the petitioner and his

**CRM-M-35367-2026****2**

wife repeatedly avoided execution of the sale-deed and continued demanding additional amounts on one pretext or the other. It has been further alleged that an application seeking permission for transfer in favour of the complainant was subsequently cancelled without his knowledge and the complainant was kept under the impression that the sale transaction would be completed but the accused persons intentionally delayed the execution of the sale-deed. It has been further alleged that after the complainant had taken the possession of the property and kept his belongings therein, the accused persons forcibly dispossessed him and removed his articles which necessitated the complainant to institute a civil suit for specific performance which was decreed in his favour. During the execution proceedings, the complainant allegedly discovered that the property had already been transferred to third party(s). The complainant has further alleged that the petitioner, his wife and the subsequent purchasers acted in connivance with each other and cheated him. During the course of investigation, it had surfaced that the transfer permission application was allegedly cancelled through a fake e-mail purportedly created by using the details/credentials of the complainant. On these set of allegations, the instant FIR came to be registered.

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 arising out of an Agreement to Sell. Learned counsel has further iterated that the complainant has already availed the civil remedy by filing a suit for specific performance which clearly reflects the civil nature of the controversy. According to learned counsel, as per the terms of

**CRM-M-35367-2026**

3

consideration and get the sale-deed executed within the stipulated period but despite repeated extensions granted at the request of the complainant, he has failed to fulfill his contractual obligations. According to learned counsel, the petitioner has always been ready and willing to perform his part of the contract and has even marked his presence before the office of the Sub-Registrar on the scheduled date for execution of the sale-deed. 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 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 status report dated 10.07.2026 by way of an affidavit of Vishal, HPS, Assistant Commissioner of Police, HQ-III, 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. Role of the petitioner: The role attributed to the petitioner Abhinav Sharma in the commission of the present offence is that, he in connivance with other co-accused had created a fake email by using the complainant credentials and a fake mail was sent to the HSVP



CRM-M-35367-2026

4

Department cancelling the transfer permission allegedly by the complainant himself, thereby causing wrongful loss to the complainant and wrongful gain to himself and the co-accused persons. Further, the petitioner has, since the registration of the present case, evaded the process of investigation and has not been found available at his known addresses despite repeated raids conducted by the investigating agency.”

Raising submissions in tandem with the aforesaid reply, learned State counsel has further iterated that the petitioner has induced the complainant to enter into the transaction, received the amount(s) in question towards the sale consideration and thereafter intentionally avoided the execution of the sale-deed. It has been further submitted that despite the complainant having obtained a decree for specific performance from the competent Civil Court, the petitioner, in connivance with the co-accused, transferred the property to third parties with the intention of defeating the rights of the complainant. Furthermore, during the course of investigation, it has surfaced that a fake e-mail ID was allegedly created and used for getting the transfer permission cancelled without the knowledge of the complainant. Learned State counsel has emphasized that the custodial interrogation of the petitioner is necessary for recovery and examination of electronic devices and for unearthing the complete conspiracy behind the commission of the offence. Accordingly, the dismissal of the instant petition is prayed for.

5. Learned counsel appearing for the complainant 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 dishonest intention and inducement from the very inception of the transaction. According to learned



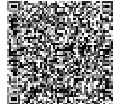
CRM-M-35367-2026

5

petitioner after verifying the ownership documents of the property and paid the substantial amount(s) towards the sale consideration from time to time. Despite receiving the said amounts, the petitioner continuously avoided the execution of the sale-deed and kept demanding additional money on one pretext or another. Learned counsel has further contended that the complainant was compelled to institute a civil suit for specific performance which ultimately decreed in his favour by the competent Civil Court. However, during the execution proceedings, it came to light that the petitioner has already transferred the property to third parties in order to defeat the lawful rights of the complainant. Considering the seriousness of the allegations and the active role attributed to the petitioner, 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 petitioner. The allegations levelled in the FIR, at this stage, *prima facie* cannot be brushed aside as merely giving rise to a civil dispute. Though the parties have admittedly entered into an Agreement to Sell and civil proceedings were also initiated but the allegations *prima facie* shows the allegations are beyond mere breach of contract. The complainant has specifically alleged that after receiving the substantial amount(s) from him, the petitioner has intentionally avoided the execution of the sale-deed; got the transfer permission cancelled without his knowledge and subsequently transferred the property to the third party(s). In the considered opinion of this Court,



CRM-M-35367-2026

6

conduct which require thorough investigation. The material collected during the course of investigation indicates that the petitioner was the person who was dealing with the complainant throughout the transaction. Furthermore, the investigating agency has alleged that the petitioner has created a fake e-mail and used it for the cancellation of the transfer permission application. At this stage, this Court cannot overlook the allegation that after receiving the substantial consideration from the complainant, the property has been transferred to other person(s). In the considered opinion of this Court, the possibility of a larger conspiracy and the involvement of electronic evidence cannot be ruled out, at this stage, and requires further 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 petitioner 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 for grant of anticipatory bail. At the stage of anticipatory bail, the Court is primarily



CRM-M-35367-2026

7

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.

8. Furthermore, 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 the 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.”

9. 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.

10. 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