



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

(112)

CRM-M-49938-2026 (O&M)

Date of decision : 03.09.2026

ANKITA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Navjot Singh, Advocate for the petitioner

Mr. Apoorv Garg, Addl. AG, Haryana

Mr. A.S. Dhindas, Advocate for the complainant

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “**BNSS**”) for grant of anticipatory bail in case arising out of FIR No.140 dated 01.08.2026 registered under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”) at Police Station Guhla, District Kaithal.
2. The aforementioned FIR was registered on the basis of a complaint jointly submitted by the victims Balwinder Singh and Gurwinder Singh, alleging that they had purchased 6 Kanals and 6 Marlas of land from three persons, namely Sarban Kumar, Shivam Kumar, and Sushant Kumar, vide a registered sale deed dated 23rd December, 2011. They had taken possession of the purchased land, and mutation was also sanctioned in their name. 1830 square yards of land out of the land purchased by them was part



of an approved colony, and its property ID was entered in the name of the complainant Gurwinder Singh; whereas 1905 square yards of land, which was part of an unapproved colony, and its property ID was entered in the name of the complainant Balwinder Singh. It was alleged that the petitioner, in connivance with the co-accused Mukhtiar Singh, had got a property ID entered qua 18 Kanals of land situated in an unapproved area. With regard to the same property, she got entered through Municipal Committee, Cheeka another property ID in the year 2026 and sold the said land to the co-accused Mukhtiar Singh vide sale deed dated 22.05.2026, on the basis of which the accused Mukhtiar Singh was trying to take forcible possession of the land owned by the complainants in the unapproved colony. Alleging that the petitioner, in connivance with the co-accused, had cheated the complainants, they prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the court of learned Additional Sessions Judge, Kaithal vide order dated 17.08.2026.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She is a bona fide purchaser/owner of 18 Kanals of land. Property ID No. 6KDN7015 was issued to her by the competent authority in the year 2026. She has sold this property to co-accused Mukhtiar Singh in good faith and in a transparent manner. She had no



fraudulent or dishonest intention at the time of sale. No *mens rea* can be attributed to her. She had no authority to classify "approved" or "unapproved" areas. Mere existence of two property IDs for the same property does not by itself constitute any criminal offense. The case rests upon documentary evidence which is already in possession of the investigating agency. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. A civil litigation between the co-accused and the complainants is pending. The dispute is of a civil nature. With these broad submissions, it is urged that she deserves to be given the concession of bail.

5. Notice of motion.

6. Learned State counsel has accepted notice of the petition. Power of attorney on behalf of the complainant has also been filed. Learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that the allegations against the petitioner are serious in nature. Firstly, the petitioner got issued a property ID for 18 Kanals of land existing in an unapproved area from Municipal Committee, Cheeka, and with regard to the same property, she got another ID prepared in the year 2026 so as to show the same property to be part of an approved area, and sold it to the co-accused Mukhtiar Singh with intent to cheat the complainants, who had also purchased a part of the same property from some other vendors. It is argued that for conducting a proper and thorough investigation in the matter,



custodial interrogation of the petitioner is a must. It is, therefore, argued that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner is alleged to have procured two property IDs from Municipal Committee, Cheeka with regard to the same property. In the first ID, this property was shown to be part of an unapproved area, whereas in the second ID, this property was shown to be lying in an approved area. The same is alleged to have been done to cause wrongful loss to the victims. The case is, however, based on documentary evidence, and the relevant documents are already in the custody of the investigating agency. In the peculiar circumstances of the case, custodial interrogation of the petitioner is not required. It is a matter of trial as to whether the ingredients for commission of the offence punishable under Section 318(4) of the BNS are attracted in this case or not? Taking into consideration the above-discussed facts, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. Even otherwise, it is a well-settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. As per the discussion made above, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to her joining investigation and surrendering within a period of 15 days from the date of receipt of a certified copy of this order and upon doing so, she shall be



released on bail by the Investigating Officer on furnishing personal as well as surety bonds to his satisfaction.

9. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

03.09.2026
Amit Sharma

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