



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

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CRM-M-1179-2025

Date of decision: 14th January, 2025

Jagmohan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parmod Kumar, Advocate for the petitioner.

Mr. Apoorv Garg, Senior Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner in case bearing FIR No. 282 dated 27.09.2023 registered under Sections 420, 467, 468, 471 of Indian Penal Code, 1860, at Police Station City Jhajjar, District Jhajjar, Haryana.

2. The aforementioned FIR had been registered on the allegations that one Prabhu Dyal was owner of property situated at village Kamalgarh, District Jhajjar. He was unmarried and had died. After his death, mutation of inheritance of his property was got entered in the name of his sister Sheelavati only, whereas the complainant and other siblings of Sheelavati had inherited the same. This mutation was got entered by Sheelavati in connivance with the present petitioner Jagmohan, who subsequently got the above said property transferred in the name of his wife, thereby causing



wrongful loss to the lawful heirs of deceased Prabhu Dyal and to cheat them. The petitioner and co-accused had made false representation and thereby committed fraud and therefore, prayer was made by the complainant for taking action. After registration of the FIR, investigation proceedings have been initiated. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Jhajjar vide order dated 07.01.2025.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is not beneficiary of the alleged crime. He did not commit the subject offences. Infact, the dispute is of civil nature. Prabhu Dyal died unmarried and hence issueless and mutation of his property had been sanctioned in the name of his sister Sheelvati who sold it to wife of the petitioner. He was not even named in the complaint initially. No specific role has been attributed to him, nor it is made out from the allegations in the FIR. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious and specific allegations against the petitioner who connived with Smt. Sheelavati one of the legal heirs of the Prabhu Dyal and his wife and firstly facilitated entering of mutation of property left by the deceased Prabhu Dyal in the name of Sheelavati alone and then got the same transferred in the name of his wife-Lalita Devi i.e. co-accused, thereby causing wrongful loss



to the legal claimants. It is argued that the custodial interrogation of the petitioner is required for conducting thorough investigation in the matter and therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have cheated the legal heirs/lawful claimants of the property left by Prabhu Dyal by getting the mutation of the same entered in the name of Smt. Sheelavati only and then getting the same transferred in the name of his wife. It cannot be stated that he was not beneficiary of the transaction. Trial is at its nascent stage. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th January, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No