

2025.PHHC:017188



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-4916-2025
DATE OF DECISION: 05.02.2025

RAVI BANSAL

...PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CRM-M-4926-2025

LAJPAT RAI

...PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aayush Gupta, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

Ms. G.K. Mann, Sr. Advocate with
Mr. Sanjeev Kumar, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

This order of mine shall decide both the petitions bearing
CRM-M-4916-2025 and CRM-M-4926-2025 as they involve same

question of law and for the sake of brevity, facts are being taken from CRM-M-4916-2025.

1. **Relief Sought**

This petition has been filed under Section 482 of BNSS for anticipatory bail to the petitioner in FIR No. 0150 dated 28.12.2024 under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) of the BNS at P.S. Koom Kalan, District Police Commissionerate.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under:-

‘12. At this one complaint bearing number PGD No: 454702 System No: 455736 DATE: 21/10/24 has been received which is as under:-To The Police Commissioner, Ludhiana. Subject: Complaint against: 1) Lajpat Rai son of Sh. Ramesh Kumar resident of H.E. 205 Chandigarh Road, Jamalpur Colony Focal Point Ludhiana 2) Ravi Bansal son of Sh. Mahaveer Parshad Resident of Ward No: 6 Judge Wali Street, Khanuri Kalan, PakkiKhaneri, Sangrur (Mobile No: 79018-41203, 79861-71309) 3) Lekh Raj son of Mr. Ramesh Kumar Resident HL 1114 Punjab Housing Board Colony, Jamalpur, Focal Point Ludhiana 4) Sneha Sharma wife of Rajeev Kumar Resident of House No: 178 Okar Vihar, Jamalpur Awana, Ludhiana (Mobile No: 89682-62246) regarding cheating and threatening in connivance with each other. Sir, It is requested that I Mohan Singh son of Naseeb Singh, resident of House No.117-A, Street No.2, Guru Teg Bahadur Nagar, Mundian Kalan, near Chandigarh Road, Ludhiana and submit the following complaint: That one Plot bearing Area 605 Sq. Yards, Khasra No. 86 Khatta No. 130/135 Jamabandi for the Year 2017-2018 Wakya Village Ladowal Hadbast No: 214 Tehsil Sahnewal District Ludhiana was shown by Ravi Bansal son of Mahaveer Parshad Resident of Ward No: 6 Judge Wali Gali, Khanuri Kalan, PakkiKhanori, Sangrur and told me that I work as a property dealer. Because of this, on showing the plot, I liked the plot, he also told that the plot belongs to my relative. He got the agreement executed with Lajpat Rai son of Ramesh Kumar resident of H.E. 205 Chandigarh Road, Jamalpur Colony, Focal Point Ludhiana dated 15-05-2024 for sale consideration of Rs.8600/- per sq. yards and in lieu thereof I paid an amount of Rs.10.00 Lakhs as earnest moncy. Ravi Bansal signed

this agreement as a witness. A copy of the agreement is attached. That after this, Ravi Bansal got the plot area of 605 square yards registered from me @ 8600/- per yard for a total amount of Rs. 52,03,000/- from the original owner Suneha Sarma Wife of Rajeev Kumar Resident of House No. 178 Umkar Vihar Jamalpur Ludhiana vide Registry No. 2226 Dated 22-08-2024. A copy of the registry is attached. When I asked for the previous papers of the plot, the registry etc., he did not give me the documents, so I suspected that Ravi Bansal has impersonated someone as Sneha Sharma, instead of the real woman, and made her appear in the Tehsil and got the registry registered in my name. I have paid the registry amount of Rs.6,70,000/- through Cheque No. 064123 dated 13-08-2024 IndusInd Bank Urban Estate Ludhiana. That Ravi Bansal also took Rs.3 lakh from me out of the plot amount which I deposited in Ravi Bansal's account number 110154170823 Canara bank, focal point Ludhiana account. An amount of Rs.3,90,000/- was paid to Lekhraj son of Mr. Ramesh Kumar, resident of HL 1114 Punjab Housing Board Colony, Jamalpur, Focal Point Ludhiana vide RTGS on 23-05-2024. The remaining amount of the plot was taken by Ravi Bansal in cash. In this way Ravi Bansal has taken complete amount from me in name of Sneha Sharma. That I have come to know that Ravi Bansal who is the main accused has defrauded me in connivance with other accused Lajpat Roy, Lekh Raj and fake women namely Sneha Sharma and got Registry in my name by placing another woman in the place of the real owner, Sneha Sharma. The said Ravi Bansal is the mastermind of this game. I have also come to know that there are many criminal cases pending against him and he is a criminal person. When I came to know that I have been cheated, I asked for my money back from Ravi Bansal, then he started threatening me that I have relations with big officers and political leaders, you can't harm me and said that if you make complaint against us, the result will be very bad. I request to you that a case should be registered against the said Ravi Bansal and his associates and justice should be given. I will be very grateful to you. Date: 17-10-2024 Applicant, SD/-Mohan Singh Son of Nasib Singh Resident of House No: 117-A, Street No. 2 Guru Teg Bahadur Nagar, Mundian Kalan, Near Chandigarh Road Ludhiana Mobile No: 8837597007.

3. Contentions

On behalf of the petitioners

Counsel for the petitioners contends that they have been falsely implicated in the present case as Ravi Bansal (petitioner in

CRM-M-4916-2025) is only a broker in the property in question wherein Ms. Sneha Sharma, the original owner of the property got into agreement to sell with Lajpat Rai (Petitioner in CRM-M-4926-2025) on 15.12.2023. He further contends that as per the agreement, the initial amount of Rs.10 Lakhs as earnest money was paid by Lajpat Rai to Ms. Sneha Sharma and thereafter as per the agreement, Lajpat Rai had all the rights to enter into further agreement of sale and as a result, he entered into agreement to sell with complainant namely Mohan Singh who paid Rs. 10 Lakhs. It is urged by the counsel for the petitioner that Ravi Bansal (petitioner in CRM-M-4916-2025) only received the commission amount of Rs.3 Lakhs and has nothing to do with the offence of cheating and impersonation whereas in place of Lajpat Rai (Petitioner in CRM-M-4926-2025), his brother Lekhraj received Rs. 3,90,000/- in his account which was the profit in the deal.

On behalf of the state and complainant

Counsel for the state assisted by the counsel for the complainant collectively prays for dismissal of grant of bail by submitting that the complainant entered into an agreement to sell for the plot measuring 605 sq.Yards from Lajpat Rai (Petitioner in CRM-M-4926-2025) through Ravi Bansal (petitioner in CRM-M-4916-2025).

A sale deed dated 22.08.2024 was executed from owner Ms. Sneha Sharma but later on it transpired that in fact somebody else had impersonated Sneha Sharma at the time of execution of the sale deed and accordingly the complainant has been duped for a hefty amount of Rs. 6,70,000/- and on this basis prays for dismissal of the bail.

4. **Analysis and Conclusion**

From the perusal of the record in hand, it has come forth that allegedly, on date 15.05.2024, complainant Mohan Singh agreed to purchase a plot measuring 605 sq.yards situated at Ludhiana from Lajpat Rai through Ravi Bansal who represented himself to be a property dealer, who also witnessed the agreement. Subsequently, Ravi Bansal got executed sale deed dated 22.08.2024 from owner Sneha Sharma after receiving total sale consideration of Rs. 52,03,000/-. Later on, it transpired that someone else had impersonated as Sneha Sharma at the time of getting the sale deed registered. The complainant had paid Rs.6,70,000/- by way of cheque dated 13.08.2024 whereas, amount of Rs.3,00,000/- was got deposited by Ravi Bansal in his account maintained with Canara Bank, Focal Point, Ludhiana. An amount of Rs.3,90,000/- was received by Rajpat Rai through RTGS. Rest of the amount was received by Ravi Bansal in cash from the complainant and it is only after being demanded the amount, the petitioners have been alleged to have extending threats to the complainant.

Taking into consideration the factual aspects and the allegations involved, the court by no stretch of imagination can be lenient to grant bail to the petitioners who have allegedly duped the complainant of his hard earned money. Therefore, not only it is a case of documentary evidence but indeed to unearth the truth, custodial interrogation of the petitioners is required.

Moreso, it is a settled proposition of law that power exercisable under Section 482 B.N.S.S, 2023, is somewhat

extraordinary in character and it is to be exercised in exceptional cases.

The Hon'ble Supreme Court in ***State Vs. Anil Sharma : (1997) 7 SCC 187*** held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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 information 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

In *Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC 1*, Hon'ble Supreme Court has enunciated the considerations that must govern the grant of anticipatory by holding as under: -

92.3...While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with

evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc.

92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

Similarly, in *Neeru Yadav Vs. State of UP & Anr., (2016)*

***15 SCC 422*, it was held by Hon’ble Supreme Court as under: -**

*“11. It is the duty of the Court to take into consideration certain factors and they basically are,
(i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and
(iii) Prima facie satisfaction of the court in support of the charge.”*

In the light of above mentioned facts and the spectrum of law discussed by the Apex Court with regard to the grant of anticipatory bail, the court does not deem fit to grant anticipatory bail to the petitioners. Both the petitions being devoid of merits stand dismissed.

However it is made clear that anything observed herein
above shall have no bearing in the mind of the trial court while
adjudicating the matter in accordance with law.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

05.02.2025
Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>