



252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5919-2025
Decided on : 06.03.2025

Ram Niwas ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Ashwani Gaur, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
594	09.07.2022	Azad Nagar, District Hisar	467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail for third time.

2. As per paragraph 7 of the bail petition and as per paragraph 10 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	595	09.07.2022	467, 468, 471 IPC	Azad Nagar, Hisar

3. Vide order dated 06.02.2025, the petitioner was granted interim bail/ protection, which continues to date.

4. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That briefly stated facts of the case are that the present case was registered on the complaint of Sushila Devi wife of Krishan Lal R/o village Kherampur, district Hisar alleging therein that her plot bearing No.K-45 (160 Sq. yards) Model Town Extension, Hisar allotted by The Hisar Shanti Co. operative H.B. Society, Hisar vide registration No. 638 dated 11.11.2006, certificate No.401. Some Notorious persons have get transferred the said plot in their names from the society and allotment



number was also issued. She has never sold this plot to anyone nor she has signed any document regarding sale of the same. She came to know when she purchased bricks and started construction on the plot on dated 05.04.2022, then 5/6 persons came in a vehicle and said to her mason that this plot belongs to them and they got stopped the work. Thereafter, she went to Police Post sector 9-11 for lodging complaint against unknown persons. After some time those people also came there in the Police Station and thereafter investigating officer ASI Jagdish, told her that her plot has been sold twice whereas she has not sold the plot to any one and he told her to lodge FIR at P.S. Azad Nagar, Hisar. Thereafter on dated 04.06.2022, they came to Police Station, Azad Nagar, Hisar, where police officials said that the jurisdiction of this case is sector 9-11 Police Station. Thereafter, she demanded the documents of fraud from the office of Society, then petitioner/accused Ram Niwas said that the documents is to be given by the office of Registrar, but the same has not been received till date. Upon which present case has been registered at PS Azad Nagar, Hisar against unknown persons.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“7. That in regard to role of the petitioner, it is submitted that petitioner/accused Ram Niwas along with co-accused Bansi Lal and secretary Ajay Kumar who is the nephew of the petitioner/accused Ram Niwas in furtherance of criminal conspiracy with each other lodged false missing report of Sushila allotment letter of plot and also taken the KYC of original allottee Sushila and get issued duplicate allotment letter from the office of the Society in the name of an unknown lady who impersonated herself as Sushila and sold the same to one unknown Shyam Lal and further Shyam Lal sold the plot to Sarika at the cost of Rs.33,12,000/- (Rupees thirty three lakh and twelve thousand) in which the accused Bansi Lal himself signed as a witness. In this way above said alleged accused have fraudulently sold the plot of complainant Sushila firstly to Shyam Lal and Shyam Lal further sold the said plot to Sarika and received the amount of the plot.



8. That the petitioner/accused also given affidavit dated 14.06.2022 to the Sarika, present purchaser of the plot in question in which the petitioner/accused that he has got registered a housing society in the name of The Hisar Shanti Co-operative House Building Society Limited, Hisar in the name of his family members and they (petitioner and his family members) used to carve out plots and allot the same to the members of the Society. From the same society, he (petitioner/accused) had allotted a plot number 45 of 160 square yards to one Sarika in K Block Model Town Extension, Hisar and for this he (accused/petitioner) had taken Rs 14 Lakh from Sarika in August, 2021. After this, on dated 29.08.2021, he got issued the allotment letter number 6668 of the above plot in the name of Sarika and the original letter was given to Sarika but due to some technical reasons, he (petitioner/accused) could not get the possession of this plot to Sarika, nor could he (petitioner/accused) get it registered in the name of Sarika. That in this affidavit the petitioner/accused also promised to return Rs. 14 lakh to Sarika till dated 05.08.2022 and also issued a post dated cheque number 064104. Copy of affidavit of petitioner/accused Ram Niwas is annexed as Annexure R-1.

9. That the petitioner/accused not only the member of the above mentioned society but also contested the election and was elected unopposed member of managing committee of the society on 17.04.2015. Copy of the election result released by the Election Officer, Assistant Registrar, Co-operative Society, Hisar is annexed as Annexure R-2.

10. That the petitioner/accused is the habitual offender of this type of fraud cases and the modus operandi is the same. That as per record, the petitioner has been found involved in case FIR No.595 dated 09.07.2022 under sections 467, 468, 471 IPC PS Azad Nagar, Hisar which is under investigation. Petitioner is also yet to be joined in investigation of the case.

11. That it is pertinent to mention here that the respondent No.2/complainant is not the sole victim of the case as the plot of respondent No.2/complainant was fraudulently sold to one Sarika and she also suffered loss due to act and conduct of the petitioner/accused.

12. That the custodial interrogation of the petitioner is very much required to know about the name of impersonated lady Sushila who had sold the plot by impersonating herself as Sushila and unknown purchaser Shyam Lal as no Shyam Lal has been found residing at the given address and it is also to be ascertain that what amount as share by these accused persons from the sale of the plot and recovery of amount is yet to be effected from the petitioner/accused, thus the petitioner is not entitled for the concession of anticipatory bail and his anticipatory bail deserves to be dismissed.”



8. Counsel for respondent No.2 submits that compromise has been effected between the parties and a petition bearing CRM-M-7037-2025 for quashing of FIR has already been filed, which is also listed for today. He further submits that he has no objection, if the bail is granted to the petitioner.

REASONING:

9. Since, the matter stands compromised between the parties and a petition for quashing of FIR has also been filed, which is listed today. Counsel for the complainant on instructions states at bar that the complainant was the sole victim and he has compromised all disputes with the petitioner at all level and has no objection if the bail petition is allowed and also FIR is quashed.

10. The difficulty for the petitioner is that earlier he had filed anticipatory bail petitions bearing CRM-M-30951-2023 and CRM-M-35038-2023 before this Court which were dismissed by a co-ordinate Bench of this Court on merits on 27.06.2023 and 26.07.2023 respectively. However, law is settled that if once anticipatory bail has been dismissed on merits it cannot be granted again. As such, third petition under Section 482 BNSS, 2023 is not maintainable.

11. Given above, present present is dismissed. Interim order dated 06.02.2025 is recalled immediately. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

06.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.