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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8396-2025
Decided on : 19.03.2025

Rohit

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Naveen Bawa, Advocate
for the petitioner(s).

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. In the present anticipatory bail petition, on 14.02.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Rohit, aged about 27 years	335	16.10.2023	419, 420, 467, 468, 471, 506, 120-B of IPC (Sections 419, 467, 468 and 471 of IPC deleted later on)	HSI IDC Barhi, Tehsil Ganaur	Sonipat

2. Learned counsel for the petitioner, inter alia, contends that the main accused Ankit was actual owner of the plot measuring about 1 kanal 9 marla, and same was sold to the complainant namely Sudesh Kumari Pahal for a sale consideration of Rs.89 lacs, vide sale deed dated 30.03.2022.

After execution of the sale deed, mutation was entered and then sanctioned also and possession had also been handed over by accused Ankit to the complainant. Alleged role against the petitioner is that he had taken the complainant to the main accused – Ankit and it is on his persuasion, that the complainant agreed to purchase the aforementioned plot. An amount of Rs.10 lacs was transferred in the account of the petitioner – Rohit, apart paying him Rs.6 lacs in cash in lieu of the sale consideration in part.

Subsequent to the said sale, one Naveen intervened and started claiming his ownership on the basis of the sale deed having been



executed, bearing Registry No.730 dated 30.05.2011, and started claiming his ownership, saying that actually, the said plot had been purchased by him from the then owner of the said plot.

3. *Further submits that instead of moving to the Civil Court for filing the suit for injunction/declaration, he made a complaint to the police, and twice the inquiry was conducted but it was concluded that the dispute is civil in nature and no criminality is involved in it.*

As a third attempt, complainant filed an application under Section 156(3) Cr.P.C., and thereupon, the impugned FIR herein was registered, but after investigation, again the investigating agency concluded that no criminality is involved, and thereafter, the cancellation report was submitted to the Court of Area Magistrate.

Dissatisfied with the said cancellation report, the Court of Area Magistrate marked it for further investigation, and this is how the petitioner has filed the application for seeking anticipatory bail, getting apprehensive of his arrest.

4. *Broadly, counsel for the petitioner argues that since, the ownership of the actual owner Ankit cannot be disputed, complainant could have filed a civil suit for restraining the person, who is interfering in the ownership rights/possessory rights of the petitioner, on the basis of the sale deed dated 30.05.2011.*

Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

5. *Notice of motion.*

6. *On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State, and prays for grant of some time to file status report after verifying all the contentions which have been addressed by counsel for the petitioner before this Court.*

7. *Adjourned to 03.03.2025.*

8. *Till the next date of hearing only, petitioner would not be arrested.*

9. *The issue of allowing the petitioner to join investigation would be examined, after seeing the response of the State counsel, on the next date of hearing.”*

2. Today, learned State counsel has filed the status report dated 18.03.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

3. On the basis of the status report and after consulting the Investigating Officer, learned State counsel submits that ancestors of the main accused, ‘Ankit,’ i.e., ‘Jeth Ram’ and ‘Chet Ram’ (real brothers), were owners/in possession of the land measuring 5.00 acres in equal shares. The



main accused, 'Ankit,' is the grandson of Jeth Ram, who had already sold out his share measuring 2.5 acres in the year 2007 after doing plotting over the land. Some part of the shared land of Jeth Ram was mutually arranged as a street in the area. Therefore, the area shown for streets was got transferred by accused 'Ankit' in his own name, which enabled him to project himself as a 'shareholder' of some of the part of the land, which was initially owned by Jeth Ram.

Further, submits that the land meant for the streets, etc., was subsequently sold out by the main accused, 'Ankit,' to different persons, including the complainant in the present case. In the said business, petitioner Rohit worked as an agent, and he was not a direct beneficiary. In fact, it is 'Ankit' who has sold out the land meant for the streets and also of the share of his ancestor 'Jeth Ram.'

4. In the said factual circumstances, counsel for the petitioner also argues that at best, the prosecution can allege that he earned the amount as 'commission' from selling the plots by said Ankit to the complainant.

Without there being any substantive evidence, petitioner cannot be termed as a conspirator in the crime, if any, committed by the main accused 'Ankit.'

5. Considering the aspect that the main beneficiary in the deal is accused 'Ankit,' and in fact, has succeeded in acquiring ownership rights in the property, despite there being no share left out for him and that present petitioner has functioned only as an agent in selling out the land, which in fact has been sold out by the accused 'Ankit', plea of anticipatory bail seems to be worth considering.



6. I have considered the circumstances and gone through the instant petition and the status report, and thereupon, as per the view of this Court, it appears that petitioner 'Rohit' requires to be joined in the investigation. Accordingly, petitioner is directed to join the investigation within a period of two weeks from today, or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023.

7. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

8. Petition stands **disposed of** accordingly.

(SANJAY VASHISTH)
JUDGE

March 19, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No