



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

211

CRM-M-8316-2025

Date of decision: 15th May, 2025

Digamber Singh and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

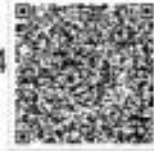
Present: Mr. Kunal Dawar, Advocate for the petitioners.

Mrs. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

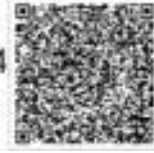
The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of anticipatory bail in case bearing FIR No. 138 dated 07.06.2024 registered under Sections 420, 467, 468, 471 and 120-B of IPC at Police Station Chhainsa, Faridabad.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of complaint lodged by complainant Karvender Singh @ Karmender alleging therein that his mother Narayani @ Girajo Devi wife of late Nawab Singh was co-owner in possession of 10 kanals and 08 marlas of agricultural land situated within the Revenue Estate of Chaisa, Faridabad. Mutation of this land was entered in the name of his mother on 04.01.1966. She had died on 20.11.1970. After



her death, the petitioner along with other legal representatives of his mother had inherited ownership of this land. They had requested their maternal uncle Nihal and his son Rajender to get the mutation of inheritance transferred and entered in their name and both of them had assured to do so.

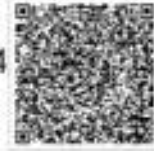
3. The complainant further alleged that on asking of Nihal Singh and Rajender, the land in question had been given to them for cultivation on an oral lease in lieu of receipt of a small amount of money as lease money. After the death of Nihal Singh, the accused Rajender, petitioners Girish and Digamber, who are sons of the deceased, had been cultivating the said land and used to pay said money. However, from the last two years, they had stopped doing so. The complainant further alleged that he along with his brother Raghuraj Singh had decided to sell some area of land inherited from their mother and had accordingly entered into an agreement to sell the same with one Satyapal. They had also received a sum of Rs. 2,00,000/- by way of earnest money. He alleged that before entering into an agreement, he had contacted the village Patwari for procuring *jamabandi* and then came to know that the land in question was still in the name of his deceased mother. When he asked the accused-Rajender to get the mutation entered in the names of legal representatives of his mother, he came to know that the mutation of inheritance of the same land had been entered in the names of petitioners Omi Singh, Pappu, Rakesh Dharam Pal, Bhim Bati, Lakhpal and co-accused Rajpal and Ashok as on 27.12.2023. They also disclosed that the above named accused had again executed a relinquishment deed qua the same land in favour of the accused Rajender Singh, Girish and Digamber. It also came to the knowledge of the complainant that the accused Omi Singh



etc. had represented themselves to be legal representatives of Smt. Narayani. The documents including the death certificate as submitted by the accused were found to be forged and fabricated. By alleging that they had been cheated by the accused persons and in connivance with accused Rajender Singh, offences of forgery and use of forged documents had been committed, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved application for grant of pre-arrest bail before the learned Additional Sessions Judge, Faridabad, which was dismissed vide order dated 03.02.2025.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Civil litigation with regard to this property in question is pending between the parties. Smt. Narayani had died on 04.05.1970. Her two sons namely Rajpal and Nakul had also died subsequently. The petitioner No.1 is son of Nakul. He had inherited a share in the property owned by Smt. Naryani. The ingredients for commission of subject offences have not been made out against the petitioners at all. Infact, the complainant wants to usurp the ancestral land of the petitioners No.1 and 2. The case is based on documentary evidence. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

5. *Per contra*, it is argued by learned Deputy Advocate General, Haryana, assisted by learned counsel for the complainant that there are serious allegations against the petitioners who by hatching a conspiracy with



each other and with the co-accused and on the basis of forged and fabricated record, had got sanctioned mutation of inheritance of property left by Narayani Devi entered in his favour. They had done so in connivance with the maternal uncle of the complainant. Their custodial interrogation is required for conducting thorough investigation of the matter by the police and for eliciting the information about the manner in which the record was fabricated/forged. No extra ordinary and exceptional circumstance is made out for grant of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioners are alleged to have hatched a conspiracy with each other and with co-accused and in pursuance of that conspiracy, the petitioners Omi Singh, Dharampal, Rakesh, Pappu and Lakhpatt are alleged to have got sanctioned a mutation of inheritance of Smt. Narayani in their favour by furnishing fake documents qua her death and fake revenue record also and they are further alleged to have transferred the land in question in favour of the petitioners No.1 and 2 i.e. Digamber Singh and Girish and co-accused Rajender. There are serious and specific allegations against the petitioners. For the purpose of conducting deeper probe and thorough investigation, custodial interrogation of the petitioners is must. Even otherwise, no extra ordinary or sparing circumstance has been made out for the purpose of extending benefit of bail to the petitioner. Simply because a civil remedy is simultaneously available, it cannot be stated that the dispute between the parties is of a civil nature and no case for commission of subject



offences is made out. It is also well settled that 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 extraordinary 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.

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

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

[MANISHA BATRA]
JUDGE

15th May, 2025

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

2. Whether reportable

: Yes / No