



CRM-M-9143-2025

-1-

**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9143-2025

Decided on: 20.02.2025

Ramesh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manjit Singh Gahlawat, Advocate,
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.395, dated 23.09.2021, registered under Sections 420, 467, 468, 471 IPC (Section 120-B IPC added lateron), at Police Station Kalanaur, District Rohtak.

2. Succinctly facts of the case are that Rajesh Kumar son of late Chiman Lal had given an application that Atma Ram son of Gopal Dass as owner sold the land measuring 7 Kanals 11 Marlas through Deed No.614 dated 16.06.2021 for a consideration of Rs.10 lacs to Mrs. Sunita wife of Gulshan Kumar. In this sale, instead of seller Atma Ram, some other person had got the sale deed registered by getting the forged Aadhar card of Atma Ram. Atma Ram was impersonated by some other person. Request was made to take legal action against the culprits. On the basis of the application filed, office record was verified and transfer of property of 7 Kanals 11 Marlas was found to have been made on the basis of forged record.

Regarding the ownership of the land, report was sought from Halka Patwari



and on the basis of the revenue record, it was found that land mentioned in the said deed was in village Nigana and ownership of the same was of by Atma Ram since the year 1955, who was the allottee of the evacuee property w.e.f. 10.09.1955. Thus, the FIR was registered and the investigation commenced. During the investigation, complicity of the petitioner was surfaced and thus, he was arrayed as an accused. Apprehending arrest the petitioner approached the Court of learned Additional Sessions Judge, Rohtak, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 06.02.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner has no role whatsoever in the alleged offence. It is submitted that no allegation has been made against the petitioner in the FIR registered. It is submitted that the petitioner has been implicated in this case on the basis of the criminal conspiracy allegedly having been hatched by the petitioner with the co-accused. He submits that the petitioner is involved in another sale deed No.618 dated 16.06.2021, wherein, the petitioner is the purchaser of 4 Kanals 8 Marlas of land with another co-vendee Sunil Kumar. He, thus, submits that in the present case there is no evidence regarding criminal conspiracy against the petitioner. He submits that main accused Gulshan Kumar has been granted bail by this Court on 21.09.2022. It is, thus, submitted that there being no *prima facie*



case having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner in conspiracy with co-accused sold the land of one Atma Ram and Sale Deed No.614 was registered in the office of Tehsildar. However, it has been found that real owner of the land has never transferred this land. He submits that the investigation is at the initial stage. He has submitted that co-accused was arrested and he was granted regular bail and not anticipatory bail. He, thus, submits that no case is made out for granting the anticipatory bail to the petitioner, as the same would prejudice the on going investigation.

5. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the allegations in the FIR pertains to the transaction made by the accused regarding the land measuring 7 Kanals 11 Marlas vide sale deed No.614 dated 16.06.2021, wherein the said land was sold by some another person by impersonating himself as Atma Ram, who was the real owner of the land and the accused petitioner is the part of the conspiracy of the same. The sale deed was executed in conspiracy with the officials of Revenue Department. To resolve the controversy, custodial interrogation of the petitioner would be required. Co-accused as contended by counsel for the petitioner is not on anticipatory bail, but after arrest, he was granted regular bail, thus, the arguments raised by counsel for the petitioner is totally misconceived.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as



under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*
7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has 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](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he



is well protected and insulted by a pre-arrest bail during the time he 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 task of disinterring offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

20.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No