



CRM-M-10945-2025

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

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CRM-M-10945-2025

Date of decision: 4th July, 2025

Ashutosh Kaushik

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. Apoorv Garg, Sr. Deputy Advocate General, Haryana.

Mr. Abhishek Jha, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of anticipatory bail filed in case arising out of FIR number 555 dated 21.12.2024 registered under Section 420 of IPC at Police Station Pinjore, District Panchkula, Haryana. The previous petition as filed by him bearing CRM-M-2032-2025 had been dismissed as on 15-02-2025.

2. As per the allegations, the petitioner while projecting that he owned 2/73 share in an agricultural land situated at village Mouza Bitna, district Panchkula had induced the complainant to purchase the same. On the representation made by the petitioner, the complainant had agreed to purchase the aforementioned land. The sale consideration amount was fixed to be Rs. 24,20,000/- which was paid by the complainant to the petitioner and to the co-accused. The sale deed was also executed in his favour on



05.06.2024. The petitioner had shown the land/plot in question prior to registration. However, subsequently the complainant came to know that the property which was shown by the petitioner was owned by some other persons namely Kamlesh Rawat and Jarnail Singh Jelly and he was cheated by the petitioner. After registration of FIR, investigation proceedings have been initiated and are underway. The previous petition as filed by the petitioner had been dismissed by making the following observations:-

“As per the allegations, the petitioner while representing him to be in possession of a particular piece of land forming part of a joint khata, induced the complainant to purchase the same for a sum of Rs. 24,20,000/- while fully knowing that the said particular property was already under litigation and he was not in possession of the same. By concealment of this material point, he got a sale deed executed qua the same in favour of the complainant by taking huge amount of money. The allegations in the FIR prima facie show a dishonest intention on the part of the petitioner to deprive the complainant of his money by way of purchasing a plot which was under litigation. It is well settled proposition of law that powers under Section 482 of BNSS (which is pari materia with Section 438 of Cr.P.C.) are to be exercised in exceptional and extraordinary circumstances. No such circumstance has, however, been made out in this case. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is required. Accordingly, finding no reason to allow the petition, the same is dismissed.”

3. The instant petition has been filed by the petitioner on the grounds that he had disclosed to the complainant that the litigation qua the property in question was going on and had not concealed any fact. He did



not cheat the complainant. He was still ready and willing to pay back the entire sale consideration amount to the complainant, subject to the condition that the complainant, who is in physical possession of the property in question hands over the possession thereof to him. It is submitted therein that the ingredients for commission of subject offences are not made out at all. He had given possession of the subject property to the complainant at the time of execution of sale deed. The possession of this property is still with the complainant and he has even obtained loan against the same for raising construction. It is, therefore, argued that he deserves to be extended benefit of pre-arrest bail.

4. On joint request of learned counsel for the petitioner as well as complainant, the matter had been sent to Mediation and Conciliation Center of this court. However, the same has received back being an unsettled case.

5. It is argued by learned Senior Deputy Advocate General, Haryana, assisted by learned counsel for respondent No.2 that there are serious allegations against the petitioner. His previous petition had been dismissed by passing a detailed order. There is no substantive change in the circumstances. The matter has not been settled between the parties. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The present petition has been filed by the petitioner solely on the ground that he is ready to return the sale consideration amount to the complainant, subject to the condition that the complainant vacates possession of the property in dispute. The fact that the complainant is in



possession of such property is a debatable question as there is nothing on the court to suggest so. Merely because the petitioner is ready to pay the sale consideration amount to the complainant, no ground for grant of pre-arrest bail is made out in his favor. His previous petition was dismissed on 15-02-2025. The previous petition, as filed by the petitioner, had been dismissed by passing a detailed order after taking into consideration all the contentions raised by him. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not the position in this case. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

4th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*