IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(283)

CRM-M-16702-2025 (O & M)
Date of decision: 25.08.2025

Ashok Kumar Mittal …... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vinod Ghai, Sr. Advocate assisted by
Mr. Arnav Ghai, Advocate,
Mr. Dhruv Trehan, Advocate, for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Ajay Ghangas, Advocate with
Mr. Ankit Singla, Advocate, for the complainant.

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<u>JASJIT SINGH BEDI, J. (Oral)</u>

The prayer in the present petition under Section 482 of BNSS is for the grant of anticipatory bail to the petitioner in case FIR No.433 dated 23.12.2024 under Sections 120-B, 420, 448, 467, 468, 471 IPC registered at Police Station Faridabad Central, District Faridabad.

2. The present FIR came to be registered at the instance of Basant Mala and reads as under:-

To, Respected Sir, ACP Central, District Faridabad, Subject: Application for lodging complaint against Ashok Mittal (Mobile 99588 22479) Son of Late Shri Chunni Lal, resident of House

No.446, Sector 16, Faridabad, Yogesh Gupta S/o Late Shri Gopal Gupta and Bindiya Gupta W/o Yogesh Gupta (Mobile 95604 36456) for hatching conspiracy in taking possession of shop by preparing fake papers of the shop and committing cheating and fraud. I am a resident of Faridabad. I am a single lady. My age is around 76 years. I have multiple medical problems. I am the owner of one Shop No.6, Sector 21A. Faridabad which was allotted to me through auction by Haryana Urban Development Authority on 09.07.1987. However, shop was already in possession of some other person I wrote multiple letters to Haryana Urban Development Authorities to have the shop vacated. After that I shifted with my sister's daughter and son-in-law to 3A, GRACILIS COURT, Endeavour Hills, Melbourne (VIC), Australia, I found out while residing here that Bindiya Gupta had instituted a false case against me in the Faridabad District Courts, in regard to which I asked my advocate to appear, consequently it was found that Yogesh Gupta and Bindiya Gupta had illegally taken possession of my shop and by committing fraud they had prepared fake documents of the shop's house tax in their name through the fake documents they also got registered MSME in the shop's address as well as they got the electricity meter in their name. It was also found that before this case, they had filed a case in 2013 in the Faridabad District Courts against me (showing Ashok Mittal to be my GPA holder). These three people in connivance with each other got the case dismissed in default. I had also given a complaint against them to the CM Flying Window, upon which no action has been taken. Now, I have found out that Ashok Mittal in connivance with these people have prepared a fake agreement to be a party in the case filed against me. It only means that Ashok Mittal, Yogesh Gupta and Bindiya Gupta want to illegally acquire my shop at any cost. I have also given a written statement to the Tehsildar office, *Faridabad that there should be no action taken with regard to my property but these people can go to any limit to take my shop and cause damage to me. Thus, it is my request that the fake documents prepared by the above mentioned culprits, Ashok Mittal, Yogesh Gupta and Bindiya Gupta be recovered and strict action be taken against them. I live in Australia with my sister's daughter and son-in-law, however, I am currently in Faridabad. After I return to Australia, my son-in-law Vishal's friend Vivek Rawal (Bobby Rawat) S/o Shri Padam Singh, R/o H.No.29. Chawla Colony, Ballabhgarh has been authorized by me to tend to this matter in my absence. Applicant Basant Mala.*

3. The learned Senior counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, he had entered into an agreement to sell with the complainant-Basant Mala on 03.12.1997 for a sum of Rs.1,80,000/-. A registered Power of Attorney was executed by Basant Mala (complainant) on the same day. After obtaining possession, the petitioner had handed over the possession to his co-accused, namely, Yogesh Gupta and Bindiya Gupta who had been paying him rent from 1997 to 2004/2005 but had, thereafter, stopped paying the said rent. A civil suit for specific performance has also been filed by the petitioner against the present complainant where the agreement to sell and the Power of Attorney are a subject matter of adjudication. The instant FIR is a counter-blast to the said civil suit for specific performance. The petitioner is an old person of the age of approximately 70 years and has suffered a brain stroke in the year 2016. As the petitioner has joined the investigation and has co-operated with the same, the custodial interrogation of the petitioner is not required and he be granted the concession of anticipatory bail.

4. The learned counsel for the complainant, on the other hand, contends that the agreement to sell dated 03.12.1997 has not been signed by by the petitioner and the signatures of the complainant on the said document are forged. The complainant has never entered into any agreement to sell with the petitioner and the original thereof has not been brought on record either when the petitioner joined investigation or when the civil suit for specific performance was filed. Surprisingly, the agreement to sell is dated 03.12.1997 but the suit for specific performance was filed only on 11.09.2024 i.e. after a gap of almost 27 years. As regards the Power of Attorney, it is his contention that, though, the said document is a registered one, it is a forgery inasmuch as firstly, the name of the petitioner does not find mention on the said document and secondly, the signatures of the complainant on the said document have been forged. In fact, it was only in the last few years that the executor of the document is to come present before the Tehsildar and the photograph is taken at the Tehsil as against the earlier situation wherein the photograph of the executant was pasted on the document as is the case here. He further contends that, though, the petitioner has claimed to be in possession as per the civil suit, it is the vehement contention of the learned Senior counsel of the petitioner here that the possession is not with the petitioner but with Yogesh Gupta and Bindiya Gupta. The learned counsel for the complainant, therefore, prays that as the investigation is to be taken to it's logical conclusion and the offence is *prima facie* made out, the present petition is liable to be dismissed.

5. The learned State counsel while referring to the status report dated 16.05.2025 filed by way of affidavit of Narender Kumar, HPS,

Assistant Commissioner of Police, Economic Offence Wing, Faridabad, contends that the petitioner has not brought on record any original document showing him to be in possession or ownership of the shop in question. The agreement to sell refers to cash payment of Rs.1,80,000/- which makes the document *prima facie* doubtful and a forged one. Despite joining investigation, the petitioner has refused to handover the original agreement to sell or the rent deed vide which he rented the shop in question to the co-accused-Yogesh Gupta in the year 1997 itself. In fact, on being specifically asked for the original documents, the petitioner did not join investigation but instead sent two unknown persons alongwith his lawyer who presented photocopies of the agreement to sell dated 03.12.1997 and GPA dated 03.12.1997 which were blurred and unclear. He further contends that the co-accused/Yogesh Gupta and Bindiya Gupta with the active connivance of the petitioner have fabricated multiple documents to obtain a GST number, registered themselves with the office of MSME Department, obtained an electricity connection, sought load reduction, etc. He, therefore, contends that as the petitioner is not co-operating with the investigation and the offence is *prima facie* established, the present petition is liable to be dismissed.

6. I have heard the learned counsel for the parties at length and examined the record.

7. The Hon'ble Supreme Court in the case of ***'Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977',*** has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the

Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> *"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
>
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*
>
> *We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside.* ***In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie***

> ***case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.*"**

8. A perusal of the vernacular of the agreement to sell purportedly executed by the complainant in favour of the petitioner on 03.12.1997 would show that the petitioner himself has not signed the same. Strangely, a sum of Rs.1,80,000/- is stated to have been handed over to the complainant in cash. Despite being given an opportunity, the petitioner did not hand over the original agreement to sell and in fact, has provided photocopies that are blurred. Even the civil suit filed does not contain the original document. The Power of Attorney dated 03.12.1997, though, a registered document also seems to be a forgery inasmuch as it is not signed by the petitioner and has seen the light of the day only now when the suit for specific performance was filed 27 years after the execution of Power of Attorney.

9. The State has filed a status report dated 16.05.2025 by way of affidavit of Narender Kumar, HPS, Assistant Commissioner of Police, Economic Offence Wing, Faridabad and the relevant extract pertaining to the role played by the petitioner and his co-accused/Yogesh Gupta and Bindiya Gupta is reproduced hereinbelow:-

5. That prima facie it has been transpired after perusing the complaint that the accused persons had got the electricity connection transferred in their name, house tax from the office Municipal Corporation transferred in their name and also got a firm registered in their name at the MSME shop by forging documents to prove their ownership. That it is worthy to mention here that the accused failed to provide any original document to assert their claims of ownership and in-fact all the documents were prepared by forging and miss leading other documents.

6. That during the investigation, the records from The Office Of The Estate Office, HSVP, Sector-12, Faridabad were obtained regarding the ownership of the Shop and perusing the records it transpired that:

> *a. As per record, the Commercial Booth/Shop no. 06 Sector 21A Faridabad was allotted in the name of Smt. Basant Mala D/O Sh. Sahib Ram vide this office memo no. 21789 dated 09.07.1987.*
>
> *b. That the conveyance deed was executed on 05.11.2024 in favour of Smt. Basant Mala D/O Sh. Sahib Ram Arora.*
>
> *c. That at present the Booth/Shop is transferred in the name of Sh. Sagar Kakkar S/o Ravi Kakkar vide this office memo no. 2553 dated 14.11.2024.*

That there is no mention of the names of the present petitioner accused Ashok Kumar Mittal or the other co-accused Yogesh Gupta and Bindiya Gupta being the owner of the above mentioned shop.

7. That during the initial investigation by the agency, the co-accused Yogesh Gupta told the investigation agency that he started living in the property in the year 1997 as tenant, but he failed to produce any rent agreement or any receipts in relation thereto. That this fact shows that the co-accused Bindiya Gupta and Yogesh Gupta have got all the documentations done in collusion with each other along with the present petitioner *accused Ashok Kumar Mittal and on the basis of using these fake and forged documents.*

8. That during the investigation the record from the electricity department was obtained regarding the ownership of the Meter installed at the premises in question and it transpired that the co-accused Bindiya Gupta is the consumer and the record pertaining to file bearing number F-14-320-342 was perused and it transpired that:

> *A. co-accused Bindiya Gupta had submitted a copy of forged registry at the time of load reduction on 20.03.2020. That after perusing the said document it further transpired that the co-accused Bindiya Gupta had uploaded the file bearing Registry No. 3981 dated 03.06.2015 and it was found that this registry has been done by Sorma Devi wife of Shri Ramesh Chandra, District Hisar, in the name of Yogesh Gupta and Bindiya Gupta and this registry is related to the property Flat No. B-8, ON Forth Floor Block-B, Construction upon Plot No. GH-10 Sector-21D, Faridabad and not of the Shop No. 6, Sector-21A, Faridabad in question. That the co-accused Bindiya Gupta and Yogesh Gupta miss appropriately used this registry for this address for their wrongful gains and committed forgery.*
>
> *B. during the investigation it further transpired that the document No. 3981 dated 03.06.2015, was made blurred and illegible while uploading it on the system of the electricity department with the intention of cheating.*
>
> *C. it further transpired that record were sought from Electricity Department Xen DHBVN Old Faridabad Sector-15, Faridabad regarding Electricity Meter connection/account No. 3363340000 Commercial Booth No. 6. Sector-21A, Faridabad, and on the basis of Executive Engineer Office's letter No. Ch-61/CC-1 dated 08.04.2025 and on the basis of letter of SDO 'OP' S/Division Sec-21, DHBVN, OLD Faridabad's Memo No. 1842 dated 08.04.2025 it was found that the said Electricity Connection Account No. 3363340000 is very old and its record/file is not available in SDO office.*
>
> *D. it further came to light that as per SDO's reply, that the records were migrated in the Electricity Department in the year 2015 and due to this data entry was done on the computer and for the said record the computer*

showed a entry of 01.01.1966 and as per the record it has been displayed that "as per the CCB record date of connection is 01.01.1966; The meter was installed in the name of Basant Mala on dated 01.01.1966 and name change was applied in the name of Bindiya Gupta on 14.03.2019; but due to loss of records prior to 14.03.2019, Electricity Department could not provide correct information as to when and on what basis electricity connection was made in the name of Basant Mala and how the connection was changed from Basant Mala to Bindiya Gupta." That it further transpired perusing the record that co-accused Bindiya Gupta had applied for the abovementioned electricity meter connection bearing account no. 3363340000 as per application No. F14-319-352 dated 14.03.2019 and the co-accused Bindiya Gupta in the name of Basant Mala submitted an online application by providing incorrect, forged and false information and got the electricity connection transferred in her name.

E. during the investigation while examining the record it came to light that this Change of Name, Aadhar Number of Bindiya Gupta 2725 1954.9003 bearing address House Number 1009, Sector-21C, Faridabad, copy of Airtel Landline Bill and House Tax Receipt No. 159216 of Bindiya Gupta having address of Shop No. 6, Sector-21A, Market NIT Faridabad documents are attached and this Change of Name has been done wrongly without furnishing the Ownership documents of Shop No. 6, without Rent Agreement or without Sale Deed shows the malafide intention of the co-accused Bindiya Gupta.

9. That it has further came before the investigation agency that on the basis of fake and forged documents, the co-accused Yogesh Gupta and Bindiya Ofthioneri Gupta got their proprietary consultancy and event management company/firm registered at the shop address whereas, they failed to produce any rent agreement or document in relation thereto and it transpired during the investigation of this fact that:

A. co-accused Yogesh is the proprietor of the Firm and the registration number of the firm is 06AIBPG7341K2ZB as per the record received from the GST department on 11.10.2018.

B. during the investigation it came to light that the GST number of this firm has been issued on the basis of House Tax receipt on 11.10.2018 having details i.e. House Tax receipt No. 2901 for an amount Rs.2413 on which Shop No. 6, Sector-21A, MCF is written and the House Tax receipt has been issued by the Municipal Corporation in the name of Shop No. 06, Sector-21A and not in the name of co-accused Yogesh Gupta and even then the co-accused Yogesh Gupta with the intent of fraud dishonestly got transferred the property of someone else in his name by manipulating and forging documents.

C. during the investigation GST department's Inspector Surendra Kumar Meena's statements were recorded and as per the same it transpired that the abovementioned records are not sufficient documents for issuing the GST registration number and certificate and this GST registration has been issued wrongly and the balance sheet/audit report of this firm has not been filled by the taxpayer. That this fact also transpired that the co-accused Yogesh Gupta and Bindiya Gupta have fraudulently created bogus documents of this property in their name from the government departments with the intention of becoming the owner of the disputed property with the intention of taking the possession of it.

D. during the investigation record from Labour Inspector was obtained in reference to the requirements of "Property Consultancy & Event Management Company" Office at Shop No. 6, Huda Market Sector-21A, Faridabad and upon examination it was found that this Registration. bearing Certificate, Reg No. PSA/REG/FBD/LI-FBD-1-2/0068578 dated 12 July 2012 has been done under the provisions of Section-13 of the Punjab Shop and commercial establishment act 1958. That it further came to light that "as per these rules, while registering a shop or any office under this Act, it is necessary to have the rent agreement or 12 ownership proof of the said shop or office like sale deed, GPA. Full and Final Agreement" but in this case, there is no rent agreement or sale deed and the registration is wrongly done only on the basis of the bill of kulfi and ice cream of KUKU SOFTY BAR by uploading it online in the name of NEED SHOP and in this way the co-accused Yogesh Gupta has prepared a government document in his name with the intention of fraud and dishonesty by getting registered in the Labor Department having the address of Shop No. 6, Huda Market Sector-21A, Faridabad.

10. That during the investigation, the record were obtained from the Office of Joint Director of MSME Department, District Micro, Small and Medium Enterprises Center Faridabad in respect of M/S Need Property Consultancy & Event Management Co. Office No. 6, Huda Market Sector-21A, Faridabad and after perusing the record it transpired that the firm M/S Need Property Consultancy & Event Management Co. Office No. 6, Huda Market Sector-21A, Faridabad is registered on the Udyam Registration Portal with Udyam Registration Number: UDYAM-HR-03-0047486 for MICRO industry through by co-accused Yogesh Gupta. That it further transpired that this registration has been done on the basis of the information furnished online in the MSME Registration Online Form and no documents were got attached with it and this registration has been generated online by the co-accused Yogesh Gupta.

11. That during the investigation it further transpired that on what basis the No Dues Certificate dated 15.08.2023 issued in the name of co-accused Bindiya Gupta from Municipal Corporation Faridabad and from the records obtained from Regional and Taxation Officer Zone-11, Municipal Corporation Faridabad regarding the receipts of House Tax, Nagar Nigam it came to light that as per to the old manual D & C register of the Municipal Corporation, Shop No. 6, Sector-21A, was registered in the name of Without Name/Huda and by the Surveying Agency it was found in the name of co-accused Bindiya Gupta's ID and upon that basis co-accused Bindiya Gupta had obtained her online "No Dues Certificate" by paying property tax online through NDC Portal. That as per the records obtained by been found that Under Section 93(2) of Haryana Municipal Corporation Act 1994, "no person is given the right of ownership by the corporation in the property tax *records, the records are prepared only for collecting property tax."*

12. That after obtaining and examining the records from various departments it transpired that the co-accused Bindiya Gupta and Yogesh Gupta have used the Municipal Corporation's House Tax receipt as proof of ownership in obtaining electricity connection, for applying for load reduction and for getting GST registration number from the GST Department and the same is wrong and illegal and is done with an intention of fraud and dishonesty and also with an intention to prepare forged and false documents in government departments and to use them as proof of ownership of the said Shop.

13. That the co-accused Yogesh Gupta and Bindiya Gupta have also filed their Anticipatory Bail Petition bearing no. CRM-M-814/2025and the same is pending before the Hon'ble Court for 27.05.2025.That the investigation officer had issued notice under section 94 of BNSS dated 08.05.2025 qua co-accused Yogesh Gupta and Bindiya Gupta for them to produce the original documents in relation to the ownership of the shop, but the co-accused failed to appear before the investigation agency till 12.05.2025, along with original documents shows the malafide of the co-accused.

14. That the present petitioner accused Ashok Mittal has stated that he had got prepared an agreement dated 03.12.1997 for purchasing the Shop No. 06, Sector-21A, Faridabad from the complainant Smt. Basant Mala. That during the investigation the complainant Basant Mala was joined in the investigation and she has stated that she did not made any such agreement in the name of the present petitioner accused Ashok Mittal and informed the investigation agency that said agreement is forged. That it further transpired as per the statement of the present petitioner accused Ashok Mittal that he has a GPA *bearing No. 5124 dated 03.12.1997 executed by the complainant Basant Mala for transfer of the property Shop No. 6, Sector-21A, Faridabad, but the complainant refused that she had got prepared any such General Power of Attorney.*

15. That during the investigation it transpired that the present petitioner accused Ashok Mittal conspired with co-accused Yogesh Gupta and Bindiya Gupta and helped them in getting the possession of Shop No. 6, Sector 21A, Faridabad. That the present petitioner accused Ashok Mittal had got prepared forged documents of this property i.e. the Agreement and the General Power of Attorney and upon the same he has claimed his right by filing a Civil Suit in The Ld. Civil Court in the year 2024. That during the investigation and as per the record it has transpired that since year 1997 till now, on the basis of the above mentioned ownership documents i.e. the agreement and GPA, the above mentioned property was not got transferred in the present petitioner accused Ashok Mittal's name from the HUDA department and neither the present petitioner accused Ashok Mittal had filed any case for getting it registered from Huda to his name. That it further transpired that the present petitioner accused Ashok Mittal is helping and assisting co-accused Yogesh Gupta and Bindiya Gupta in taking possession of the said property.

16. That in the present case, Notice U/s 94 BNSS was issued to the present petitioner/accused Ashok Mittal for obtaining the disputed records from him and on 03.04.2025, the present petitioner/accused Ashok Mittal didn't appear instead petitioner accused Ashok Mittal, 2 unknown persons along with Lawyer Virendra Singh Dagar appeared before the investigation agency and they had presented the photocopies of the agreement dated 03.12.1997 and General Power of Attorney dated 03.12.1997 and the same were blurred and unclear and they failed to apprise the investigation agency with any original documents.

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18. That during investigation, the present petitioner accused Ashok Kumar informed the investigation agency that in the year 1997, K.G. Madan (the real brother-in-law of Basant Mala) showed him this property Shop No. 06, Sector-21-A, Faridabad and on 03.12.1997 the present petitioner accused Ashok Kumar had paid Rs. 1,80,000/- in cash and made a full and final agreement for this property from Basant Mala and executed a GPA/Power of Attorney General bearing Reg. No. 5124 dated 03.12.1997 registered in Tehsil Faridabad. That the present petitioner accused Ashok Kumar further told during the investigation that he took possession of the shop in December 1997 itself and rented the shop to co-accused Yogesh Gupta Rs.2000/- per month and since December 1997 to the year 2004/05, co-accused Yogesh Gupta had given the rent to the present petitioner accused Ashok Kumar and after that co-accused Yogesh Gupta stopped paying the rent and the present petitioner accused Ashok Kumar became very ill and was unable to get his shop vacated. That the present petitioner accused Ashok Kumar further told that he had filed the case Civil Suit CS-2653 dated 11.09.2024 in Faridabad court for Specific Performance with a Consequential Relief of Declaration and Permanent Injunction and the next date of hearing is 19.05.2025 and the present petitioner accused Ashok Kumar also told that the complainant Basant Mala had taken Rs. 1,80,000/- from him in 1997 for selling this property and made an Agreement and GPA.

19. That it is pertinent to mention here that the present petitioner accused Ashok Kumar had failed to provide any original documents in support of his assertions and also failed to apprise the investigation agency that why the present petitioner/accused Ashok Kumar had not taken any action *against the co-accused Bindiya Gupta and Yogesh Gupta and hence shows that all the accused are in conspiracy had forged documents and cheated the complainant and got prepared false documents of the shop and had wrong full gains to them.*

20. That it is worthy to mention here that the custodial interrogation of the present petitioner along with co-accused is required as to investigate about the original documents also for the recovery of the forged and fabricated documents and also to investigate who else had assisted the accused persons to get prepare all these forged documents for the wrongful gains of the present petitioner accused and the co-accused.

21. That the present petitioner/accused Ashok Kumar Mittal is a convict as well as facing cases of similar nature shows that he is a habitual offender and has acted with intent to cause losses to the compliant by cheating her. The cases are as under:

a). FIR No.0325, dated 24.08.2012 under section 420, 467, 468, 471, 120B of IPC and 7 and 13 of PC Act, P.S. Central Faridabad. (Convicted)

b). FIR No.034, dated 17.01.2020 under section 420, 406 of IPC P.S. Central Faridabad.

c). FIR No.496, dated 30.07.2016 under section 120, 465, 467, 468, 470, 471, 120B of IPC, P.S. NIT Faridabad.

d). FIR No.512, dated 07.12.2018 under section 420, 406, 464, 465, 467, 468, 470, 471, 120B of IPC, P.S. NIT Faridabad.

e). FIR No.422, dated 24.06.2018 under section 420, 200, 181, 177 of IPC, P.S. Suraj Kund Faridabad.

10. The extract of the affidavit dated 16.05.2025 filed by the State shows the specific role played by each accused including the petitioner. It enumerates how and in what manner the petitioner and his co-accused are stonewalling the investigation by either not joining the same or not co-operating with the investigating agency by not handing over the original

documents. In fact, neither the petitioner nor his co-accused have produced any document to prove their ownership or tenancy. The petitioner is also a habitual offender being an accused in as many as five other case of a similar nature in one of which he stands convicted. Interestingly, three of the cases were registered against the petitioner after he purportedly suffered a brain stroke in 2016. It is indeed unfortunate that an old lady of the age of 76 years is being made to run from pillar to post for a property which was admittedly allotted to her way back in the year 1987.

11. In view of the aforementioned discussion, not only is the offence *prima facie* established but to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

12. Therefore, I find no merit in the present petition and the same stands dismissed.

13. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

14. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

August 25, 2025
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No