IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 111

Criminal Miscellaneous No.M-20016-2025
Date of Decision: *April 09, 2025*

Maya Ram

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

PRESENT: - Mr. Himanshu Munjal, Advocate, for the petitioner.

SANDEEP MOUDGIL, J (Oral)

The jurisdiction of this Court has been invoked under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in case FIR No.0054 dated 13.02.2025, under Sections 316(2), 318(2), 336(3), 338 and 341(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station, Jagadhri City, District Yamunanagar (Haryana).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

> *"A complaint bearing no. 9810 dated 18.10.24 from the office of Superintendent of Police, Yamuna Nagar, through post, was received in Police Station, to the effect that: To, Hon'ble Superintendent of Police, District Yamuna Nagar. Subject: Application for initiation of legal action against Maya Ram son of Ram Saran, resident of village Sudhail, Tehsil Jagadhri, District Yamuna Nagar, Aadhaar No. 2434 0641 0701, Mob. No. 9671367510 & 94672-24454 regarding usurp of money worth Rs. 7,80,000/- on the pretext of sale of house and for extending threat for life and implication in false cases in the event of making demand for refund of money and after presentation of complaint, entering into compromise fraudulently and with dishonest intention before Economic Crime Branch and misleading by handing over of cheque; and dishonour of cheque; and regarding fresh threats on the part of the accused. Sir, applicant do hereby submit as under:*

1. That applicant Bira Rani wife of late Shri Balwant Singh is resident of House No. 802, Rai Puran Gali, Railway Bazar, Jagadhri, District Yamuna Nagar and applicants maintains faith in law. 2. That applicant had presented one complaint bearing no. 6616 dated 15.08.2024 against the accused before Hon'ble Superintendent of Police, District Yamuna Nagar with recitals therein "aforesaid accused represented the applicant that he is closely known of her husband and he stated me that I am doing business of property dealing and that one of my known occupies one house which I would get provided to you and then, accused showed one house bearing no. 868, Property I.D. No. 257-C 328 U 292, consisting of two rooms, kitchen, latrine, bathroom with electricity -water connection in operation, measuring North: 22 ft + 19 ft; South: 41 ft; East: 19 ft + 02 ft; West 21 ft. total area 91 Sq. yards, comprised of Khewat and Khatoni no. 212min/324/1, khasra no. 17//17, area measuring 03 Marlas being 3/160 share of area measuring 08 Marlas, situated in Kansapur, Mosuma Maya Puri colony, Yamuna Nagar and accused represented that this house is free from all encumbrances and loan against this house is outstanding and responsibility for getting the same cleared will be of mine and original owner. 3. That after that, deal for this house was finalized against total sum of Rs. 11,80,000/- and in this context, one agreement to sell was got executed on 17.12.2023, wherein accused fraudulently and under forgery also got executed one agreement to sell regarding the aforesaid house with me/applicant in his own favour and received earnest money worth Rs. 2,00,000/-, in cash, from me/applicant and stated that I will get the sale deed executed and registered in favour of applicant before 17.02.2024 after getring the loan cleared. 4. That after that accused had stated to applicant that original landlady is making demand for more money, upon which applicant stated that I do not have money right now, upon which accused stated that I will manage gold loan for you because I am having good acquaintance with bank officials and that I am working in Haryana Police and on this, on dated 16.12.2023 applicant got mortgaged gold of the applicant with Muthoot Finance and got her provided loan worth Rs. 02 lacs and accused took away that much amount from the applicant, in cash and stated that we are *getting the loan cleared against the house. 5. That, after that accused fraudulently and under forgery took away further sum of Rs. 3,80,000/-, in cash, from the applicant on 01.05.2024 and in this context, accused, at his own, got typed one receipt on 01.05.2024 and after receiving money, appended fake signatures of real landlady on the receipt at his own and handed over the same to us and original agreement to sell and receipt regarding the aforesaid house was retained by the accused with him deliberately and only photo copy was delivered to us. 6. That, after that applicant stated the accused, let the sale deed registered in our name by receiving the remaining amount, upon which accused started lingering on the matter and stated that he will get the sale deed registered after some days and since after that applicant is approaching the accused time and again, but, he did not listen to her and now, accused has even stopped to pick up phone calls of the applicant. Applicant and her daughter met accused last week and asked him for getting the sale deed of the house registered, upon which accused stated that I will not get the sale deed registered in your favour and you are at liberty to do whatever you want and that if you will try to initiate any action against me, then, I will eliminate you or I will get you implicated in some false case because I am working in Haryana police and no one can cause any harm to me and that I am having acquaintance with higher officers. In such way, accused has fraudulently and under forgery and breach of trust have usurped amount of Rs. 7,80,000/- from the applicant and now, neither he is getting the sale deed registered nor refunding the amount and adversely, extending threats to get them killed and to get them implicated in false cases. 7. That applicant is a widow lady and applicant is having one young daughter and two young sons and applicant has to get them married as they are of marriageable age. Big fraud has been played with the applicant. 8. That in context of all the aforesaid facts, applicant had moved one complaint no. 6616 dated 15.07.2024 before your good self, which was marked to Economic crime branch for inquiry, where accused was summoned and applicant was also called and Inquiry Officer got a compromise of accused arrived at with us and in pursuance of compromise, accused had given two cheque no. 000017 for Rs. 3,25,000/- dated*

30.09.2024 and cheque no. 000018 for Rs. 3,25,000/- dated 30.10.2024 in favour of Ravinder Kaur daughter of the applicant and accused assured the applicant that these cheques, on presentation on the given date, shall be encashed in every eventuality. That applicant entered into compromise under compulsion against Rs. 6,50,000/- irrespective of the fact that applicant had to receive amount of Rs. 7,80,000/- from the accused, however, for the sake of future, applicant entered into compromise against sum of Rs. 6,50,000/- only. That after that, daughter of the applicant had presented cheque no. 000017 for amount of Rs. 3,25,000/- dated 30.09.2024, in her account for encashment, but, aforesaid cheque became dishonoured because of non-availability of funds in the account of the accused. That intention of the accused was dishonest since the very inception and he was keen to usurp the money of the applicant, due to which accused has played a fraud and forgery with the applicant and he handed over his cheque belonging to the bank account in which no money was lying credited in the name of the accused. 9. That on dated 15.10.2024, applicant went to the house of accused and met him and stated to him that you have fraudulently usurped our money and on presentation of cheque, no money is credited in your account, upon which accused stated that it is my daily routine and that I had given the cheques to you under compromise, the same were given just to evade legal action against me so that police may become helpless to take any action and accused threatened that you are at liberty to do whatever you can and today onwards if you will here for making demand for money or if any legal action will be initiated against me, then, consequences for you will not be good and you as also your family will be get eliminated and he made insult of us as also abused us and shunted us out from his house by giving push and wife of accused and his son also insulted and abused us and stated that today onwards, if you will come to our house, then, consequences for you will not be good and you should get ready to face consequences in future. It has been revealed to the applicant that apart from applicant, accused has also usurped money of several other persons fraudulently and under forgery. Hence, it is requested that keeping in view the aforesaid facts, FIR against the accused for playing fraud, forgery, breach of trust, usurp of money, *extending life threats and to get implicated in false cases; for making insult should be registered and justice may be got imparted to the applicant and life and property/liberty may be protected. It shall be so kind of your good-self. Sd/- Bira Rani. Applicant Bira Rani wife of late Shri Balwant Singh, resident of House No. 802, Rai Puran Gali, Railway Bazar, Jagadhri, District Yamuna Nagar. Mob. 8222843446. Mob. 7206528230. Dated: 15.10.2024. Place: Police Station."*

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present FIR. He has nothing to do with the alleged crime. No cognizable offence is made out against him as he was only an attesting witness to the agreement. The antecedents of the petitioner are clean and clear. Nothing is to be recovered from him. He further submits that petitioner is willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

On behalf of the State as well as complainant

On the asking of the Court, Mr. B.S. Virk, Senior DAG Haryana, accepts notice on behalf of the respondent-State and has opposed the prayer for grant of anticipatory bail to the petitioner stating that the petitioner forged the alleged agreement to sell with a dishonest intention from the inception as he issued the cheques in question qua his bank account which had insufficient funds. The amount of ₹ 7,80,000 is to be recovered from the petitioner.

4. **Analysis**

Ater giving a thoughtful consideration to the submissions as made, by the counsel for the parties, this Court *prima-facie* finds it a case of civil nature.

No criminal liability can be fastened upon the petitioner, hence no reason is made out to deny the petitioner the concession of anticipatory bail, keeping in view that he is willing to join the investigation. Hence this Court is of the view that custodial interrogation of the petitioner is not required.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

> *'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.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
Judge

April 09, 2025
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Whether Speaking/ Reasoned: Yes/ No
Whether Reportable: Yes/ No