



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20515-2025
DECIDED ON: 16.04.2025

RAM KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Bhanui Chaudhary, Advocate and
Ms. Ekta Chauhan, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 Bhartiya Nagarik Suraksha Sanita, 2023, for grant of anticipatory bail/pre-arrest bail to the petitioner in FIR No.0890 dated 18.10.2022 under Sections: 406, 420, 120-B IPC Police station: Azad Nagar, Hisar, Haryana.

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

“Legal action accused 1. Mahender son of Mahabir Prasad 2. Manju wife of Mahender, 3. Ajay son of Mahender, all Residents Gan-10,15 NewSaket Colony, Azad Nagar Hisar. 4. Patwari Halka Village Gagwa, Tehsil and District Hisar and other accused applicant make the following request that 1. I, Kuldeep Singh son of Shri Patram, resident of village Jhumpa Kalan, District Bhiwani, a peace loving and law abiding person. 2. That Accused No. 02 Manju wife Mahendervide Vasika No.10721 dated 22.03.2010 had purchased house No.12-B, land measuring 09 Marla area

situated at Gangwa, Tehsil and District Hisar by my wife Smt. Manti Devi. (certified copy of sale deed is attached herewith). 3. That accused No.2 took a loan of Rs. 60 lakhs by mortgaging the above Plot No.12 vide Vasika No. 16075 dated 12.02.2013 with The Oriental Bank of Comra, Archan Estate-2, Hisar. (Certified copy of mortgage deed is attached herewith). 4. That the Patwari Halqa accused No. 4 made an entry in the revenue record on the said mortgage deed, which was recorded as No. 435.5. That Accused No.2 along with her husband accused No. 1 Mahender prepared a fake redeem letter dated 28.03.2013 by obtaining fake signature of O.B.C. Bank officer and accused No.4 in connivance with Patwari Halga the above plot is shown as redeemed in the revenue record and accused No.4 in collusion with accused No.1 and 2 prepared rapat No.554 and the above plot measuring 09 marla has been shown in the revenue record as neat and clean. That accused no.02 Manju knowingly that above plot is mortgaged with O.B.C. Bank, vide sale deed vasika-10 100 dated 04.04.2014, half of the above plot was sold to Dharamveer's son for Rs. 72,900/-, marla half share of above plot of her husband Bhoon i.e. this area i.e. marla to Sanjeev Malik son of Dhandhir in lieu of 7,29,000/- and the share of above plot No. 12-1 is of different register. 7. That accused No. 2 Manju transferred half share of the above plot to Mahender accused No.1 through release deed Vasika number. (Certified copy of release deed is attached herewith). 8. That the accused No.1 Mahender took the said plot No.12-B of 100 square yds. through sale deed vasika No. 2602 dated 14.06.2017 in the name of my wife Smt. Manti Devi and took Rs. 6, 50,000/- from me at the time of registration. (Certified copy of sale deed is attached herewith). 9. That on 14.06.2017 accused No.1, out of above land vide vasika No. 2003,50 sq. yds. land has been transferred in the name of his son accused No.3. It is relevant to mention here that the accused No. 1 was

the owner of 122 sq. yards in Plot No. 12-B on the basis of fraud, out of which on 14.06.2017, he has transferred 100 sq. yards to my wife Smt. Manti Devi and 50 sq. yards to his son Accused No.3. (Certified copy of release deed is enclosed herewith). 10. That Accused No.3 Ajay, vide sale deedvasika No. 9876 dated 29.01.2021, sold 15 sq. yds. of land in favor of Smt. Manti Devi and grabbed Rs. 1,65,000/- from me. On that house No. 12-B, I spent a lot of money and repaired the walls of the old house by putting tiles and marble on the floor and installed new windows and doors of the house.11. That my wife Smt. Manti Devi further sold the above plot to St. Pushpa Devi wife Shri Vikas.12. That about two months ago, when the employees of the above bank came to the spot, they told to the said Smt. Pushpa Devi that the above plot is mortgaged with the bank and you have to vacate the possession. Upon this Smt. Pushpa Devi told me the above matter, then I submitted an application to S.P. Hisar, but no legal action was taken against the accused. 13. That it was well known to the above accused No.1 to 3 that the house No. 12 of 243 sq. yds. which accused No.2, vide mortgage deed No. 16075 dated 12.02.2013 was mortgaged with O.B.C. Bank has never been redeemed and the accused-10, 1 to 3 in connivance with each other by preparing the fake redeem letter in collusion with accused No. 4 by tampering in the revenue record by committing fraud with me got executed the fake registry have grabbed my money. 14. That accused No. 1 and 2 have already been done such fraud and forgery in the past, regarding which case No. 282 dated 08002021 and Section 400420, 12041, 4074GB A71 4477AIPC Police Station Azad Nagar Hisar against accused No. 1 and 2 is registered, in which their anticipatory bail has been rejected by the Honorable Sessions Court, so I request by submitting an

application that legal action be taken as soon as possible against the above four accused and other accused who are involved in this fraud by filing a case of fraud, tampering with government records and creating fake documents, so that I can get justice. I shall be thankful to you. Thanking you. Applicant Kuldeep Singh son of Sh. Patram resident of village Jhumpa Kalan, District Bhiwani M. No. 76490-00007 dated 21.09.2022.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and was neither named in the FIR nor any role has been attributed to him. He further contends that the entire case is based on documentary evidence which is already in possession of the police and no recovery of any kind is to be effected from the possession of the present petitioner, therefore, his custodial interrogation is not required.

It has been contended on behalf of the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Vipul Sherwal, AAG, Haryana accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner on the ground that the custodial interrogation of the petitioner is must as certain documents allegedly fabricated and forged by the co-accused Mahender in collusion with the present petitioner are yet to be recovered. It has been asserted that co-

accused namely Ajay @ Rajesh Soni and Mahender Soni have already been granted the concession of bail by the trial Court vide orders dated 14.03.2023 (Annexure P-2) and 20.03.2023 (Annexure P-3).

When this Court asked about the nature of documents and the specific details qua that he has no answer except to say that it is on instructions from SI Surender, he is opposing the concession of anticipatory bail.

4. **Analysis**

Be that as it may, atleast this Court cannot ignore the fact that after going through the records and hearing the counsels for the parties that whole case of the prosecution revolves around one no objection certificate alleged to have been issued by the Bank on the basis of report submitted by the present petitioner being Patwari that land in question lien free, neat and clean (free from all encumbrances). Moreover, the documents whatsoever pointed out by the prosecution are either in the possession of the Bank being relating to the said bank or to the Revenue Department from where the investigating officer has to investigate and collect the material, if so required but nothing incriminating material has been shown to be in the possession of the petitioner that would warrant recovery from him.

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. 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, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.04.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No