

CRM-M-22052-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22052-2025
Reserved on: 02.07.2025.
Pronounced on: 16.07.2025

Rishipal Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Keshav Pratap, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Aditya Jain, Advocate and
Mr. Rajat Singla, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
70	11.02.2025	Bhondsi, District Gurugram	3(5), 318(4), 336(3), 338, 340 of BNS 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 16 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	143	11.11.2024	420, 467, 468, 471, 120B IPC	DLF. Phase-II, Gurugram

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the present case are that a complaint was submitted by Manoj Pal wherein it is mentioned that his mother Smt. Saroja Devi is the legal owner of agriculture land measuring 1200 sq yards (2 kanals) in Mohan Nagar, Bhondsi (Distt. Gurugram). She purchased this piece of land from her elder brother Shri Vikram Singh in

2005 through a registered sale deed, and the same is in their possession. Earlier three registered sale deeds in original, are also in their possession. Some local persons namely Devendra Raghav @ Devilal and Dushyant are claiming to be the owner of this land on the basis of some fake documents:- Agreement to Sell / GPA/POA. On these documents there are forged signatures of his mother Smt. Saroja Devi and his brother Manish Singh (as witness). This forgery of documents has been committed by Sri Rishi Pal Singh (maternal uncle) and his son Tanuj Kumar. They had in their possession receipts of few cheques given to his mother as return of money given to them. These receipts were signed by his mother and brother. On the basis of these receipts, Rishi Pal Singh and Tanuj Kumar created fake documents (Agreement to Sell/GPA/POA) to sell the impugned agricultural land at Bhondsi and Devendra Raghav @ Devilal claims to have purchased the land from Rishi Pal Singh for a consideration of Rs. 1.5 crores. On 13.01.2025, they threw the luggage of the chowkidar who was staying there for 15 years and put one lock on the gate. When they reached Mor, these goons did not allow them to enter and created ruckus. They dialled 102 and called PCR that took them to the Bhondsi Police Chowki where a report was lodged by him in person. According to local people, Devendra Raghav, Rishi Pal Singh and his son Tanuj Kumar are planning to make small plots and sell the plots quickly. They met SHO PS Bhondsi who asked ASI Rajesh Kumar to take statements of both parties including complainant's mother (who was not with them as she is very old). At Police Chowki, the impugned documents were shown by the ASI Rajesh Kumar to his brother and he confirmed that he never signed any such documents as witness and that his mother too had never signed any such documents in his presence or in his absence. Her signatures are clearly forged as she has never executed any power of attorney or agreement to sale. The complainant further alleged that neither ASI/SHO, Bhondsi nor Rishi Pal Singh nor Devendra Raghav gave the copies of these forged documents to them so that they may file forgery case against Rishi Pal Singh and Tanuj Kumar in the court of law. Rishi Pal Singh is showing copies of some receipts of cheques and cash that was given to them by his mother when they returned her old money after a long time. She has not signed any such documents like Agreement to Sale/POA/GPA. All documents are fake and Rishi Pal Singh and his son Tanuj Kumar have cheated all his relatives in the past 20 years and they are ready to testify about his misdeeds. Prayer was made for taking legal action. Thereupon, the above mentioned FIR No. 70 dated 11.02.2025 u/s 318(4), 336(3), 338, 340, 3(5) BNS was registered at P.S. Bhondsi,

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Gurugram.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State as well as counsel for the complainant strongly oppose the bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the role of the petitioner Rishipal Singh in the present case is that he had actively supported his son i.e. accused Tanuj in preparing the forged agreement to sell, GPA, Possession Letter etc. of the land in question, so as to illegally usurp the land which was registered in the name of mother of the complainant.”

REASONING:

7. Perusal of the file shows that possibility of dispute being civil in nature cannot be ruled out. Moreover, petitioner only supported his son as per pleading, however the same are subject to evidence.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the

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official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.