

2025:PHHC:075397



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

CRM M-27910-2025

Date of Decision:29.05.2025

Harpal Singh ...Petitioner
Versus
State of Haryana and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Anurag Arora, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Pankaj Nanhera, Advocate, for the complainant.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 482 of the B.N.S.S., 2023 with a prayer to grant anticipatory bail to him in case FIR No.0279 dated 22.04.2025 registered under Sections 120-B, 406, 420, 467, 468 and 506 of IPC at Police Station Hansi City, District Hansi.

2. The FIR in the present case has been registered on the basis of the statement made by Parveen Godara son of Sh. Munshi Ram and the same has been reproduced below:-

*“Parveen Godara Vs. Kapil Dev etc. Present:
Complainant in person with Sh. P.K. Rappria, Advocate.
Complainant presented today. Complainant has filed the*

present complaint against the accused under Sections 406, 420, 467, 468, 506, 120B IPC 316(2), 318(4), 338, 336(3), 351(2)(3), 612(2) BNSS, I.T Act. The complainant in the present complaint has prayed for registration of the case against the accused persons under Section 175 (3) BNSS, 2023. In case titled as Suresh Chander Jain Vs. State of Madhya Pradesh 2001 (1) RCR (Criminal), 335, it has been held by the Hon'ble Supreme Court that any Judicial Magistrate before taking cognizance of the offence can order investigation under Section 156 (3) of the Code. Section 175(3) of BNSS, 2023 is corresponding to Section 156 (3) Cr.P.C. Arguments advanced by learned counsel for complainant heard. This court is of view that present case require collection of evidence which is not possible without aid of Investigating agency. In view of the facts and circumstances of the case as well as law laid down by the Hon'ble Supreme Court in this regard, the SHO of Police Station City, Hansi is directed to register FIR against the accused under appropriate Sections as per contents of complaint within 7 days on receipt of the instant complaint and make necessary investigation in the case. Copy of FIR be sent in this Court immediately. Photocopy of this order be retained along with the copy of complaint and original complaint be sent to the SHO. Date of Order: 16.04.2025 SD/- Ashutosh (Ashutosh) Sub Divisional Judicial Magistrate Hansi/UID No. HR0363. In the court of Ilaqa Magistrate Hansi District Hisar, Praveen Godara vs. Kapil Dev and Others - Case No. 3883/15, New Subhash Nagar, Hisar and Civil Court, Hisar, District Hisar Manoj 06715003393.....

Complainant Versus Party No. 1 Kapil Dev Aggarwal, Mobile Number 9810046045 and 9319060469 and 2 Harsh Aggarwal, Son of Kapil Dev Aggarwal, Mobile Number 9100046049, Resident, Karol Bagh, New Delhi. 3 Harpal Singh, Mobile Number 8882858589, office Flat No. 218, North Avenue, Delhi. 4 Ashish Pathak, Mobile Number 860262126, Resident of House No. 560/8, Shiv Sadan, Shivpuri, Sector-7, Gurugram..... Accused persons. Prayer to Magistrate under Sections 406, 420, 467, 468, 506, 120-B IPC and under Sections 316(2), 318(4), 338, 336(3), 351(2)(3), 61(2) BNSS and IT Act Police Station City Hansi. Application under section 156(3) Cr.P.C/175(3) Bharatiye Nagrik Suraksha Sanhita.

Sir, the complainants submits as under:-1. That the complainant is resident of above mentioned address is a peace loving and law abiding Citizen.

2. That the complainant is a farmer by profession and also partake in political activities and remained on different posts of Bhartiye Janta Party and at present is Head of Good Government Department District Hisar and is Media Incharge of Hansi Constituency and for political and party works I have to go to Haryana, Delhi and other States and during that time prior to 2024 in connection of 2024 Loksabha elections the complainant had to travel a lot to Delhi at National BJP office where known of the complainant Pawan Kumar son of Rajpal Singh resident of Kharak, District Bhiwani had meeting of the complainant with accused No. 1, that complainant was told by accused number 1 that by profession he is a C.A. and took the complainant along with him to his

office at Karol Bagh Metro Station Delhi and after some time he changed his office from Karol Bagh to 3/8, Patel Nagar, Delhi.

3. That during that time accused No. 1 called the complainant to his office in the month of October-November 2023 then the complainant and Pawan Kumar went to his office and where he told that he is having License of Indus Airways Private Limited and in which Deep Kumar Berry and Lilly Berry and some others are Directors and he himself is having 79 percent partnership and he said that you may somehow arrange money for running our company as a Mediator or may arrange some partner in the company who may invest money as per share. For that we shall pay you commission. Therefore, while trusting upon them I talked with accused No. 3, who called accused No. 4 and explained the proposal given by me, whereupon both of them got agreed and I arranged a meeting of accused No. 3 and 4 with accused No. 1 and 2 whereby after having discussions on all the issues accused No. 3 and 4 who get agree to invest in Indus Airways Pvt. Ltd., and a M.O.U. was signed and an M.O.U. was also signed with the complainant and his known Pawan Kumar, copies of the same are enclosed. That all the conditions have been mentioned in the M.O.U.

4. That during that time all the accused persons who were sitting in the office of accused No. 1 and where when me and Pawan reached then after some time all the accused persons started saying that we are having direct approach with Prime Minister Shri Narendra Modi and Home Minister Shri Amit Shah and we all are like their

domestic friends, if you want to excel in Politics then we can get you Ticket of Bhartiye Janta Party from Hisar Constituency. Whereby for good future and having political wish nodded in yes, whereby accused No. 1, 3 and 4 said that you may send your profile we shall talk with the Prime Minister and Home Minister soon. Whereby I sent my profile to accused No. 1 upon his Whatsapp on dated 14.12.2023. Whereby a message of accused No. 1 was received that we have discussed about you with the Prime Minister and Home Minister and they have agreed to give you Ticket and accused Ashish Pathak also called me over phone on dated 06.02.2024 that your ticket has been confirmed and you may come and meet us. Whereby on dated 8-9/02/2024 I went to Accused No. 1 and 3 in the office of accused No. 3 where Pawan Kumar and all the accused persons were sitting and all the accused persons said that we shall get you help of around 15 Crores from the Party for contesting elections and around 25-30 Crores of Rupees you shall get from your Loksabha Constituency as donation, it works out around Rs. 40-50 Crore, we shall take an amount of Rs. 23 Crores from you for this Loksabha Ticket, out of which you have to give sum of Rs. 1 Crore in Cash. Out of which some money shall go to Home Ministry and some money shall go to Party office and rest of the money we shall keep with us and thereafter accused No. 1 said that you may send sum of Rs. 10 Lacs to meet expenses, whereby I made arrangements from my relatives and friends sent total of Rs. 7,48,000/- to accused No. 1 in cash on different dates and sum of Rs. 1,40,000/- through two

transactions on dated 05.01.2024 I had paid through my I.D.B.I. Bank Branch Hansi from Account Number 1306104000003506 and thereafter accused said that we have delivered the amount given by you further and your job has been confirmed and you may send balance of the amount soon, whereby through my above mentioned account Number 1306104000003506 maintained with I.D.B.I. Bank Hansi sent sum of Rs. 14,00,000/- through four transactions on dated 12.02.2024, sum of Rs. 1,00,000/- on dated 13.02.2024 in the account of accused No. 1 410401501503 I.C.I.C.I. Bank Ltd. Karol Babh, Delhi were sent through RTGS and thereafter sum of Rs. 30,00,000/- on dated 16.02.2024, and sum of Rs. 10,00,000/- on dated 17.02.2024 were transferred in the account of accused No. 1. The South Indian Bank Karol Bagh Delhi in account Number 0117053000007125, were sent through RTGS, in this manner total of Rs. 56,40,000/- were sent through RTGS to accused No. 1 in the above mentioned accounts of accused No. 1, concerned photocopies of the statements are enclosed. In this manner, I had paid total of Rs. 63,88,000/- accused No. 1 by cash and online and thereafter all the accused persons said to me to come to Delhi with some cheques. Whereby I went to the office of accused No. 3, where all the accused persons were already found present, all of them said that you have to give one Crore in cash out of which you have given sum of Rs. 63,88,000/- and give balance of the amount soon and you have give a cheque of Rs. 22 Crore as security to us, whereby I gave two cheques No. 375210 and 375211 of my account Number 1306104000003506

maintained with I.D.B.I. Bank and handed over to accused No. 1 in the presence of all the accused persons. Whereupon accused Number 1 filled an amount of Rs. 10 Crores with his own hands and filled an amount of Rs. 12 Crore on the second cheque and obtained my signatures and handed over both these cheques to accused No. 3 and 4 and upon the cheque left the column of date and pay as blank and accused Number 1 said that an amount of Rs. 1,00,00,000/- which you have to give, out of which you have since been given sum of Rs. 63,88,000/- and around 40,00,000/- remains short, I am giving a cheque of this amount that is cheque Number 097148 drawn on South Indian Bank, Branch Karol Bagh Delhi I shall hand over further to accused No. 3 and 4, in this concern Whatsapp Chat and photocopy of the account statement is enclosed.

5. That when the list of BJP candidates of Haryana Loksabha, upon not finding my name in it I felt cheated and thereafter I contacted the accused persons over phone then all of them said that due to internal party discord we could not get you the ticket and we shall return you entire money along with interest. Whereby the accused persons sent nominal amount in my I.D.B.I. Bank Branch Hansi in account Number 1306104000003506 on dated 11.03.2024, sum of Rs. 2,00,000/-, on dated 13.03.2024 sum of Rs. 1,50,000/-, on dated 29.06.2024 sum of Rs. 5,00,000/- and on dated 16.07.2024 sum of Rs. 5,00,000/- and gave sum of Rs. 36,500/- as cash, that thus total of Rs. 13,86,500/- were sent and thereafter upon demanding of balance of the amount they started making

evasiveness by making lame excuses and used to talk over phone rarely through Whatsapp only and now the accused persons have flatly refused to give money to me and are threatening to me that we have to extract money in the name of providing you ticket, in which we have since been succeeded and you know that we have direct approach with the Prime Minister and Home Minister, you may forget about this money, you cannot cause any harm to us and would lose your life. All related documents which contains Whatsapp chatting and copies of other transactions related documents are enclosed.

6. That in concern of above mentioned matter the complainant has submitted a complaint No. 595-Peshi dated 07.10.2024 before Superintendent of Police Hansi and a complaint Number Peshi No. 26-C.C. dated 18.02.2025 before Inspector General of Police Hisar Division Hisar and a complaint through E-mail Dated 07.03.2025 to Director General of Police Haryana, Panchkula and a compliant to Chief Secretary, Government of Haryana, Chandigarh and a complaint was submitted to Home Secretary, Government of Haryana, Chandigarh and an application to Shri. P.K. Mishra, Chief Secretary, office of Prime Minister, Government of India, New Delhi through E-mail on dated 07.03.2025 and implored for justice, but till date no action has been initiated against the accused persons.

7. That it is also worthwhile to mention here that accused No. 3 Harpal Singh in connection of above mentioned case had filed his Anticipatory bail before the Hon'ble Court of the Additional District & Sessions Judge Hisar, which has been dismissed by the Hon'ble

Court vide their order dated 20.01.2025. A copy of concerned order is annexed. In concern of causing of incidence with the complainant the complainant and his family members received a huge mental shock and father of the complainant could not bear this shock and died amid this shock on dated 15.11.2024 and it is also worthwhile to mention here that accused No. 4 himself has made an Id on social media Instragram etc. in the name of Sneha Ashish Pathak and has shown himself as member of Ministry of Minority Affairs. A copy of screen shot of the same is enclosed.

8. That thus the accused persons have committed a heinous act.

9. That above mentioned incidence has occurred under the jurisdiction of this Hon'ble Court, therefore, this Hon'ble Court is having territorial jurisdiction to try and entertain the present complaint. Therefore, by way of presenting this prayer to Magistrate it is prayed that Prayer to Magistrate under section 156(3) Cr.P.C. / 175 (3) of Bharatiye Nagrik Suraksha Sanhita may be sent to concerned Police Station and a case may get registered under appropriate sections and the accused persons may be summoned under above mentioned sections and strictest punishment may be given. Dated 16.04.2025. Complainant Sd/- Parveen Godaranson of Shri Munshi Ram Resident of House No. 383/15, New Subhash Nagar, Hansi, Tehsil Hansi, District Hisar”.

3. Learned counsel for the petitioner contends that the present FIR has been got registered by the complainant by concealing the material facts and the same is politically motivated. In fact, the

complainant himself admitted that he was holding the various posts in the Government of Haryana and was member of ruling party. Consequently, by exercising his influence, he managed to get false FIR registered against the petitioner and his co-accused. Even, from various transactions, it was apparent that the petitioner never received even a single penny in cash or in his account from the complainant or his co-accused. Before registration of the FIR, the petitioner was summoned by the DSP, Hansi and he had joined the process of inquiry and it was discovered that there was a dispute pertaining to certain financial transactions between the parties on some other issue. Thus, the petitioner deserves to be enlarged on anticipatory bail.

4. A short reply by way of an affidavit of the DSP, Hansi has been filed on behalf of the respondent-State and the same is taken on record.

5. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that in the present case, the notice had been issued to petitioner and other co-accused but they did not join the investigation intentionally. During investigation, the complainant produced screen shots and various Whatsapp chats to the IO and the same have been taken into possession. Even, from the screen shots/chats, it stands established that Kapil Dev Aggarwal and Ashish Pathak have received

money from the complainant. The present petitioner had also deleted his messages sent to the complainant, however, from the screen shots, it can be seen that the petitioner was also trying to arrange some meetings for the complainant in the Party Headquarter of BJP. Learned counsel have further referred to various online transactions (Annexure R-2) to contend that various amounts were received by the accused in the present case. Still further, Kapil Dev Aggarwal, co-accused was arrested and he also suffered a disclosure statement, mentioning the name of the petitioner as one of the accused. Apart from that, it was also found that Sneh Aashish Pathak, co-accused had sent an e-mail to the complainant, wherein, he claimed to have sent Rs. 14 lacs to the present petitioner. Even, two cheques of Rs. 10 crores and Rs. 12 crores were taken from the complainant by the petitioner and his co-accused and the said cheques are yet to be recovered by the police. Learned counsel further submits that from the investigation conducted so far, sufficient evidence had been found to the effect that the accused had allured the complainant to pay a sum of Rs. 23 crores for Parliament ticket from Hisar. Thus, custodial interrogation of the petitioner was necessary for completion of effective investigation.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, serious allegations have been levelled against the petitioner and his co-accused. Even, the accused had assured the complainant that he would be given a ticket for MP elections from Hisar Parliamentary Constituency and he would have to pay a sum of Rs.23 crores to the accused in the present case. Admittedly, an amount of Rs. 63.88 lakhs was also received by the accused, which was distributed amongst all the accused. Even, two cheques of Rs. 12 crores and 10 crores were also taken from the complainant, which are also yet to be recovered. Apart from that, the custodial interrogation of the petitioner would be required to know the names of other persons involved in the crime as well as to unearth the *modus operandi*, adopted by all the accused in the present case.

8. In view of the above discussion, the present petition is ordered to be dismissed.

29.05.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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