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

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**CRM-M-27902-2025
Decided on:07.07.2025**

Narbir Singh Hudda

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

**Present: Mr. Arun Khatri, Advocate,
for the petitioner.**

Mr. Sumit Jain, Addl. A.G., Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No.394 dated 16.10.2024, registered under Sections 419, 420, 467, 468, 471, 120B IPC, at Police Station City Sohna, District Gurugram.

2. Succinctly, the facts of the case are that the present FIR had been registered on the complaint of Manoj, in which it was alleged that on the basis of forged and fabricated GPA, the accused persons, in conspiracy with each other, have got executed sale deed of the land bearing No.74, Killa No.7 (8-0) and 14 (8-0) of village Sohna, Tehsil Sohna, District Gurugram vide Vasika No.863 dated 23.04.2024. It was further alleged that Civil Suit No.173/2021 titled as "Jay Prakash vs. Manohar" was also pending before the Civil Court at Sohna wherein the stay has been granted qua this land. On enquiry, the complainant found that a sale deed was fabricated while referring to GPA No.929 dated 20.04.2024 registered in the office of the Sub Registrar, Dehradun in favour of Nitin regarding the land in dispute. It was alleged by

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the complainant that he knew nothing about Nitin in whose favour the GPA was executed. Having been found himself cheated, the request was made to take legal action against the culprits involved. On registration of the FIR, the investigation commenced and during investigation, the complicity of the petitioner was *prima facie* surfaced and, thus, he was arrayed as an accused. Apprehending arrest, he approached the Court of learned Additional Sessions Judge, Gurugram for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 30.04.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended the petitioner has been falsely implicated in the present case. He submitted that the case is entirely of civil nature which has been given the colour of criminal nature only in order to harass the petitioner. It is submitted that from the reading of the allegations, no case for cheating is made out against the petitioner. He further submitted that the petitioner has not been alleged to have forged the documents and, thus, the offence of cheating could not be made out against him. It is submitted that after registration of the present FIR, another FIR No.434 dated 13.11.2024 was registered on the complaint of Subhash Rathi, who had alleged that the applicant along with co-accused persons, namely, Nitin etc., have cheated him by selling him the land on the basis of forged and fabricated GPA. It is submitted that from the reply filed by the State, false implication of the petitioner is writ large. He further submitted that co-accused Subhash Rathi, in order to save himself in the present FIR, has concocted a baseless story, which is evident from FIR No.434 dated 13.11.2024. It is further submitted that the investigation agencies have not verified source of the huge amount of Rs.80 lacs in possession of Subhash Rathi and mere presence of the petitioner in Dehradun is not sufficient to prove

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the baseless allegations levelled against him. He further submits that the petitioner has been made an escape goat and no *prima facie* case is made out against him and, thus, he deserves concession of anticipatory bail on this ground.

4. *Per contra*, learned State counsel has vehemently opposed the bail application and has drawn attention of this Court to the status report filed by way of affidavit of Abhimanyu Lohan, HPS, ACP, EOW, Haryana. It has been submitted that the matter is under investigation and during investigation, co-accused Nitin was notionally arrested on 11.03.2025 and during his interrogation, he disclosed that the petitioner accompanied him with co-accused, namely, Dheeraj and Jaswant to Dehradun where they met another co-accused Manoj Kala and got the GPA No.929 executed on 20.04.2024. It was further disclosed that on 23.04.2024, he met other co-accused and, thus, following their instructions, he got executed the sale deed of the land in dispute in the name of Subhash Rathi while using fraudulently obtained GPA from Dehradun, resulting in Vasika No.863 dated 23.04.2024. He received post dated cheques amounting to Rs.2.2 crores for this transaction and the first cheque of Rs.10 lacs from the set of post dated cheques was deposited by him into his Indusind Bank, Sohna on 16.05.2024 but the amount did not get credited in his account and on enquiry, it was found that Subhash Rathi had issued stop payment instructions on the first cheque. In the investigation conducted so far, the call details of the accused were collected and on analysis, location of mobile of the petitioner on the night of 18.04.2024 and in the morning of 19.04.2024 was found of Faridabad and on the night of 19.04.2024 and on 20.04.2024, it was of Dehradun. He further submitted that during the course of investigation, the co-accused Jaswant alias Johnny was joined in the investigation and he disclosed that the petitioner had pursued a party to sell the land and got the said party introduced to co-accused Dheeraj. He, thus,

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submitted that as per the investigation, the petitioner has been found to have played a pivotal role being master mind and conspirator for the alleged fraud. It has been submitted that there are serious allegations against the petitioner and he has been at large since long and custodial interrogation of the petitioner is required. He, thus, contends that the investigation would seriously prejudice in case the petitioner is granted anticipatory bail. Thus, he submits that the present petition, being devoid of merit, deserves to be dismissed.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the petitioner was the mastermind of hatching conspiracy with the co-accused for the fake land deal with victim Subhash Rathi. He had facilitated fraudulent transactions through WhatsApp transmission of fake Aadhaar documents and personally coordinating the movement of co-conspirators, namely, Dheeraj, Nitin and Jaswant alias Johnny from Sohna to Faridabad and subsequently to Dehradun. He had been alleged to have actively participated in execution of fraudulent GPA proceedings at Dehradun on 20.04.2024, in conspiracy with Manoj Kala and other accomplices and by this; they successfully extracted Rs.80 lacs from the victim through this pre-planned and well hatched conspiracy. Thus, keeping in view the gravity and seriousness of the offences, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage. Further, mere simply grant of anticipatory bail to the other co-accused is not a ground for enlarging the petitioner on anticipatory bail.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

“482. Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he*

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may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

2. *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.”*

8. Hon'ble Supreme Court in State represented by **CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument

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can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in their favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

July 07, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES