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

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CRM-M-30051-2025 (O&M)

Date of decision: 08.09.2025

Digamber Singh and others**...Petitioners****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr.Vipul Sharma, Advocate
for the petitioners.

Ms. Himani Arora, DAG, Haryana.

Mr. Gurinder Singh Dhillon, Advocate
for respondent No. 2.

Mr. Sanjiv Gupta, Advocate
for the applicant in CRM-35889 & 35890-2025.

MANISHA BATRA, J. (Oral)

1. CRM-35889 & 35890-2025

Prayer in these applications is for placing on record the copy of special power of attorney dated 02.04.2024 as Annexure A-14 and for recalling the order dated 04.08.2025, passed by this Court.

2. It is submitted that while passing the order dated 04.08.2025, this Court had observed that there was nothing on record to show that the agreement to sell in favour of the applicant was prior to lodging of the FIR. It is submitted that this observation was contrary to the record as in the FIR itself, it was alleged that respondent No.2/complainant and his brother Raghuraj Singh had entered into an agreement to sell their land to the

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applicant on 06.12.2023. It is also submitted that a power of attorney had also been given by the complainant in favour of the applicant on 02.04.2024 and the execution of the same in favour of the applicant couple with the agreement to sell were sufficient to show that he had locus standi to become a party to the main petition. Copy of special power of attorney has been tagged with the application.

3. Copies of these applications have been given to learned counsel for non-applicants/petitioners. He has argued that no ground for recalling the order dated 04.08.2025 is made out and the prayer made by the applicant for placing on record the power of attorney also deserves to be declined.

4. This Court has heard the rival submissions.

5. Applicant Satya Pal had moved an application for impleading him as a party to the main petition filed by the non-applicants/petitioners for grant of pre-arrest bail. This application was dismissed on 04.08.2025 by making the observations that there was nothing on record to show that any agreement had been executed in favour of the applicant by respondent No. 2. The applicant has submitted that in the FIR itself, this fact was mentioned and hence, the order dated 04.08.2025 is liable to be recalled. No doubt, on a perusal of the contents of the FIR, it is revealed that there was a mention of execution of an agreement in favour of respondent No. 2, which was not brought to the notice of this Court at the time of addressing arguments on the application filed by the present applicant nor has he placed on record any document that any such agreement has been executed in his favour. The application filed by him for impleading him as a party was not dismissed only

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because of that reason but also by observing that his impleadment as such was not necessary for decision of the main petition as well as that no useful purpose was going to be served by impleading him as such. In these circumstances, this Court finds no ground to allow the present applications. Accordingly, both the applications are dismissed.

6. CRM-M-30051-2025 (O&M)

The instant one is the second petition, which has been filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking grant of pre-arrest bail in case bearing FIR No. 138 dated 07.06.2024, registered under Sections 420, 467, 468, 471 and 120-B of IPC at Police Station Chhainsa, District Faridabad. The previous petitions filed by petitioners No. 1 to 8 and 9, respectively, were dismissed by this Court on 15.05.2025 by making the following observations.

“7. The petitioners are alleged to have hatched a conspiracy with each other and with co-accused and in pursuance of that conspiracy, the petitioners Omi Singh, Dharampal, Rakesh, Pappu and Lakhpat are alleged to have got sanctioned a mutation of inheritance of Smt. Narayani in their favour by furnishing fake documents qua her death and fake revenue record also and they are further alleged to have transferred the land in question in favour of the petitioners No.1 and 2 i.e. Digamber Singh and Girish and coaccused Rajender. There are serious and specific allegations against the petitioners. For the purpose of conducting deeper probe and thorough investigation, custodial interrogation of the petitioners is must. Even otherwise, no extra ordinary or sparing circumstance has been made out for the purpose of extending benefit of bail

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to the petitioner. Simply because a civil remedy is simultaneously available, it cannot be stated that the dispute between the parties is of a civil nature and no case for commission of subject offences is made out. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

7. It is submitted by learned counsel for the petitioners that after dismissal of the previous petitions, there is a material change in the circumstances since the matter stands settled with the complainant. The dispute between the parties is of civil nature. Their pre-trial incarceration would not serve any fruitful purpose. Complainant Karvendra Singh has sworn an affidavit in their favour on 22.05.2025, thereby saying that the relinquishment deed executed in favour of the petitioners and mutation of inheritance of deceased Narayani have been correctly entered/executed and no forgery had been committed. It is, therefore, urged that the petition deserves to be allowed.

8. Reply has been filed by the respondent-State. It is argued by learned State counsel that no ground for allowing the petition has been made out since the alleged compromise arrived at between the complainant and the petitioners does not have any impact upon the investigation. There are serious

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allegations against the petitioners. The subject offences are made out against the State and not only against the private complainant since the allegations are that the petitioners had used fake stamp and prepared fake death certificates. For conducting proper investigation in the matter and to know the manner in which the fraudulent documents were prepared and their source thereof, custodial interrogation of the petitioners is required. As such, it is urged that the petition is liable to be dismissed.

9. This Court has heard the rival submissions at length, besides going through the material placed on record.

10. The petitioners are alleged to have conspired with each other and with co-accused and in pursuance thereof, they got sanctioned a mutation of inheritance of Smt. Narayani in their favour by furnishing fake documents. It is claimed that the matter stands compromised between the petitioners and complainant. However, the nature of the allegations is such which requires conducting thorough and deeper probe since the matter is with regard to furnishing false and fabricated documents before the revenue authorities. The previous petitions filed by the petitioners were dismissed after making detailed discussion. The present one has been filed within a period of ten days of the dismissal of the previous petitions. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to *State of Maharashtra Vs. Captain*

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Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. However, in the present case, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petitions as moved by the petitioners has been pointed out or made out from the pleas taken by the petitioners. Entering of some compromise between rival parties cannot be considered to be a drastic change since the allegations have made out a case of commission of offence of forgery not only against some person but against State as well. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on pre-arrest bail as their custodial interrogation is required for conducting proper investigation in the matter. In view of the discussion as made above, the present petition is dismissed.

11. However, it is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>