



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

204

CRM-M-31311-2025

Date of decision: 17th September, 2025

Surendra Kumar Yadav and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Dheerja, Advocate for the petitioners.

Ms. Himani Arora, Deputy Advocate General, Haryana.

Mr. Gaurav Jaglan, Advocate for the complainant.
(through V.C.)

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 548 dated 03.09.2023 registered under Sections 406, 420, 120-B and 34 of IPC at Police Station Sadar, Gurugram.

2. The aforementioned FIR was registered on the basis of complaint lodged by complainant Savita Kumari, on the allegations that she had purchased a plot from M/s SKT Buildtech Pvt. Ltd. (hereinafter to be mentioned as '*the company*') on 19.05.2018. The petitioner No.1 was director and 50% equity owner of the company, whereas the remaining equity ownership was in the name of accused Thawar Singh Yadav. The



entire sale consideration amount was received by the builder company. The documents in the form of agreement, allotment letter, possession letter and indemnity bond had been given to the complainant. It was represented that the requisite certificate from Rera had also been issued qua the plot purchased by the complainant. However, subsequently, when the complainant visited the site of the allotted plot, she was shocked to see that there was neither any road access nor any electricity or water facility has been provided. The complainant made inquiries and came to know that the builder had mis-appropriated money from several public persons by making mis-representations. When the petitioners were confronted by the complainant, they offered to repurchase the plot from her. A cheque for a sum of Rs. 6,73,960/- was issued but the same was dishonored. Having been duped of her money, the complainant prayed for taking action.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners jointly moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 20.05.2025.

4. It is argued by learned counsel for the petitioners that so far as the petitioner No.2 Kishori is concerned, he was neither a director of the company nor signatory to the agreement or the cheque issued to the complainant. He has been falsely roped into this case on the allegation that he was a *benamidar*, who entered into a joint venture with the company. There is no material on record to connect him with the allegations. His custodial interrogation is not required. No recovery is to be effected from



him. It is, therefore, urged that he deserves to be extended benefit of pre-arrest bail.

5. With regard to the petitioner No.1, it is argued that the dispute between the parties is of civil nature as the allegations even if accepted to be correct, constitute a case of breach of contract at the most, the remedy for which lies in civil law and not by way of prosecution. The case is based on documentary evidence. Custodial interrogation of the petitioner is not required. He is ready to join the investigation. Even otherwise, he is willing to settle the matter with the complainant by compensating her. Therefore, it is urged that he too deserves to be extended benefit of pre-arrest bail.

6. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that the petitioners got executed sale deed qua the plot in question in the name of the complainant and induced her to part with a sum of Rs. 4,34,669/- by representing that all the basic amenities would be provided for the purpose of building a house on the said plot. The petitioner No.1 had acted on behalf of the company at the time of execution of buyer agreement. Now even the name of this company has been struck off from the record of Registrar of companies. The petitioner No.2 acted as a dummy buyer and purchased land of which the plot in question formed a part. The land was purchased by the petitioner No.2 on the basis of post dated cheques given to the original owner of the land. These cheques were dishonored. The company has now become defunct. The petitioner No.1 is involved in three other similar cases. The custodial interrogation of the petitioners is must for conducting thorough investigation in the matter. No exceptional or extra ordinary



circumstance for granting of pre-arrest bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. The petitioners in connivance with the co-accused are alleged to have cheated the complainant by making her purchase a plot which was in the name of a company floated by the petitioner No.1 and Thawar Singh. The basic amenities for user of that plot had not been provided. No township as promised was traced by the complainant. A cheque issued in favour of the complainant by the petitioner No.1 had also been dishonored. The *malafide* on the part of the petitioner No.1 stands *prima facie* made out from the allegations in the complaint. For conducting thorough and proper investigation of the matter by the police, this Court is of the considered opinion that the custodial interrogation of petitioner No.1 is must, since he was director to the extent of 50% ownership rights in the company which had sold the plot to the complainant. As such, no case for grant of pre-arrest bail in favour of the petitioner No.1 is made out.

9. However, so far as the petitioner No.2 is concerned, there is no material on record at this stage to show that he had made any inducement to the complainant at any point of time to purchase the plot in question or that he was beneficiary of the transaction. Given the nature of the allegations as levelled against the petitioner No.2, this Court is of the considered opinion that no case for pre-trial incarceration of this petitioner is made out. As such, the petition is partly allowed and the petitioner No.2-Kishori is ordered to be admitted to pre-arrest bail, in case of his surrender before the



Investigating/Arresting Officer within a period of 15 days from today and subject to his joining investigation as and when required by the Investigating Officer subsequently also. He 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/her from disclosing such facts to the Court or to any Police Officer and he shall not commit any similar offence while on bail.

10. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

11. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

17th September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*