

2025:PHHC:093408



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.34787 of 2025
Date of Decision: 28.07.2025
Reserved on: 23.07.2025

Sandeep ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Ms. Nisha Rani, Advocate,
for respondent No.2.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
172	02.08.2024	Uklana, District Hisar	419, 420, 465, 467, 468 and 471 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Rajender alleging therein that he owned a house bearing No.362, Ward No.3, Village Budha Khera,

2025:PHHC:093408



District Hisar on the basis of a registered sale deed. He came to know that the petitioner had hatched a conspiracy with the official/officers of D.H.B.V.N. with intent to grab his house and had filed a civil suit against him in Civil Court, Hisar. He also came to know that the ownership of the electricity meter installed in his house was got changed from his name in the name of the petitioner who had moved an application on 12.10.2022 with the office of D.H.B.V.N. for this purpose. He alleged that the other accused in connivance with the petitioner had changed the ownership of the electricity meter in the name of the petitioner so much so that a bill was also issued in the name of the petitioner and all this was done to deprive him of his property. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Hisar vide order dated 27.06.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the FIR of this case as has been lodged by the complainant is a counterblast to the civil suit filed by him seeking a decree for specific performance of agreement to sell dated 16.09.2022 which was actually executed by the complainant in his favour. He had even handed over actual and physical possession of the subject property to the petitioner. Sale deed was to be executed in his favour on 13.10.2022. As the complainant did not appear to be willing to execute the same, hence, the petitioner was constrained to file the abovementioned suit.

2025:PHHC:093408



It is argued that the dispute between the parties is of civil nature which has been given a criminal colour. His custodial interrogation is not at all required. He is ready to join the investigation. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant that there are specific and serious allegations against the petitioner who prepared forged and fabricated documents and on the basis of the same got changed the ownership of electricity meter installed in the name of the complainant in his house, in his name. He also got prepared a bill. Not even this, the signatures of the complainant on an affidavit were also forged by the petitioner. The specimen signatures of the petitioner as well as complainant have been taken and have been sent to Madhuban. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. Even otherwise, no extraordinary or exceptional circumstance for grant of pre arrest bail is made out in favour of the petitioner as he committed not only the offence of cheating but also of forgery and use of forged documents. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the officials/officers of D.H.B.V.N. is alleged to have prepared a forged affidavit on the basis of which he got transferred the electricity meter is used in the name of the

2025:PHHC:093408



complainant in his name. He is also alleged to have prepared a forged agreement of sale. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. 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. Keeping in view the gravity

2025:PHHC:093408



thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

28.07.2025
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(MANISHA BATRA)
JUDGE

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