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

CRM-M-35641-2025

Decided on: 11.08.2025

Manoj Yadav

..... Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karan Pathak, Advocate and
Mr. Arjun Singh Rai, Advocate, for the petitioner.
Mr. Sumit Jain, Addl. AG, Haryana.
Mr. Rakesh Nehra, Sr. Advocate with
Mr. Sahil Nehra, Advocate, for the complainant.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.103 dated 21.03.2025, registered under Sections 420 and 34 IPC, at Police Station Rajendra Park, District Gurugram.

3. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Ajit Yadav. It was alleged that in November, 2023, Dharmender Kumar and Manoj Yadav (petitioner) approached him for selling his land measuring 78 Kanals 8 Marlas situated within the Municipal limit of Farukhnagar Committee. He was shown copy of the compromise deed between Dharmender Kumar and Asha Kaushik i.e. previous owner of the land and copy of sale deed executed between him and Asha Kaushik for the land measuring 78 Kanals 8 Marlas to which Raghav Kaushik son of Asha Kaushik was an attesting witness. On showing all the relevant documents, the complainant was convinced by Dharmender Kumar that he was the exclusive owner of the land in question, which was free from all encumbrances. Resultantly, the complainant agreed to buy this land at the rate of Rs.5,10,00,000/- per acre.



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As per the condition made by Dharmender Kumar, the amount at the rate of 3,00,00,000/- per acre was to be transferred in his account, whereas, the amount at the rate of Rs.2,10,00,000/- was to be paid to him in cash. Thus, Rs.11,00,000/- was given by the complainant as token amount. On 20.11.2023, the complainant purchased requisite stamp papers for the purpose of executing the agreement to sell. However, accused Dharmender Kumar refused to execute the sale deed. Accused Dharmender Kumar assured the complainant regarding the execution of sale deed and thus, he purchased stamp papers amounting to Rs.1,89,00,000/- and Rs.15,00,000/-. On the insistence of the complainant for executing the sale deed, accused Dharmender Kumar made an excuse that there was some issue in making of property ID and demanded more money from the complainant showing some urgency. The complainant paid an amount of Rs.7.5. crores in cash to Dharmender Kumar on 18.01.2024, which was duly acknowledged by him through Whatsapp message. On 19.01.2024, two RTGS of Rs.50 lacs each were made by the complainant. Thereafter, on 24.01.2024, ID of the property was created and for executing the sale deed, the date was fixed for 25.01.2024. This date was also avoided by accused Dharmender Kumar on some excuses and the same was postponed for 29.01.2024. On 29.01.2024, the complainant paid an amount of Rs.10,40,00,000/- to Dharmender Kumar, acknowledgment of which was sent through whatsapp message. For the rest amount, PDC cheques were issued to Dharmender Kumar. However, accused Dharmender Kumar did not turn up for the execution of sale deed and date was again postponed for 31.01.2024. The complainant tried to contact accused Dharmender Kumar, however, his mobile number



was found to be switched off. It was alleged by the complainant that till 02.02.2024, he paid a total amount of Rs.20 crores to accused Dharmender Kumar and receipt of the acknowledgment was also sent on whatsapp. He also alleged that regarding the payment of Rs.20 crores, he had an audio clip as well. Hereinafter, the date of execution of the sale deed was fixed for 05.02.2024 and thus, for the execution of the sale deed they approached the office of Tehsildar, Farukhnagar. However, when they were in the process of completing the formalities for the execution of the sale deed, Clerk of the Tehsildar verified the record of the land in question and it was brought to their notice that a civil suit regarding this land is pending and as per order dated 16.01.2024, alienation of this land has been stayed by learned Civil Court. Title of the civil suit was found to be Raghav Kaushik vs. Asha Kaushik and Dharmender Kumar. It was revealed from the record that the civil suit was instituted by plaintiff- Raghav Kaushik against his mother Asha Kaushik and Dharmender Kumar on 12.01.2024, which was adjourned for 16.01.2024. Dharmender Kumar and Asha Kaushik appeared in the civil suit and the case was adjourned for 16.03.2024. It was alleged by the complainant that accused Dharmender Kumar despite being the defendant in the civil suit and the stay order having been granted by the Civil Court, kept taking heavy amount from him in order to frustrate the execution of the sale deed in conspiracy with Asha Kaushik and Raghav Kaushik. The complainant alleged that Asha Kaushik is mother of Raghav Kaushik, who had executed the sale deed on 20.04.2021 in favour of the Dharmender Kumar without being the owner of the land, to which her son Raghav Kaushik was the attesting witness. Despite knowing the ongoing



transactions with Dharmender Kumar, all three accused clandestinely filed the civil suit only in order to usurp heavy amount of Rs.20 crores paid as consideration for purchase of the land. He alleged that on realising the conspiracy played by all three accused, the complainant warned them for initiating legal action against them. On hearing the same, accused withdrew the civil suit on 27.07.2024. The complainant further alleged that all the accused in a well hatched conspiracy with each other had cheated the complainant and usurped Rs.20 Crores paid by him. Thus, he requested for taking legal action against all the accused. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for grant of anticipatory bail. However, on hearing, learned Court dismissed the bail petition filed by the petitioner vide order dated 03.07.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended before this Court that the petitioner has been falsely implicated in the present case by the complainant, however, he has no role to play in the same. He has submitted that no amount was ever transferred to the petitioner by the complainant. He further submits that talks of compromise are going on between the parties. It is submitted that vide order dated 10.07.2025, the petitioner was granted interim anticipatory bail subject to his joining the investigation and in pursuance to the same, he has joined the investigation. He further submits that case of the petitioner is distinguishable from the other co-accused whose bail petitions have been



dismissed by the Hon'ble Supreme Court. He submits that from the facts and circumstances of the present case, no *prima facie* offence as alleged has been made out against the petitioner. He further submits that the dispute, if at all among the parties, is only of civil nature, which has been intentionally given colour of criminal nature only in order to harass the petitioner. He, thus, submits that the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned Senior Counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the complainant has fallen victim to a well hatched conspiracy played by the petitioner alongwith other co-accused persons. He submits that the petitioner alongwith all the other accused cheated the complainant for an amount of Rs.20 crores in a very well hatched conspiracy and thus, *prima facie* offence is made out against the petitioner and hence, no case for anticipatory bail is made out.

6. Learned State counsel has placed on record the status report by way of an affidavit of Vishal, HPS, Assistant Commissioner of Police, EOW-I and II, Gurugram dated 29.07.2025.

7. Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner alongwith other co-accused after hatching conspiracy with each other cheated the complainant of Rs.20 crores. He has drawn the attention of this Court to the status report filed and has submitted that during the investigation, role of the petitioner is established and he is found to be the broker in the entire deal between the complainant and accused Dharmender and thus, played an active role in commission of the offence. It is further submitted that there is an audio recording produced by the complainant



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wherein accused Dharmender disclosed that complainant's money is kept with the petitioner. He submits that though in pursuance of the order of this Court, the petitioner has joined the investigation, but he has not cooperated with the same. He has further submitted that the SLP filed by the other co-accused before Hon'ble the Supreme Court has already been dismissed vide order dated 25.07.2025 and case of the petitioner is on the same footing that of the other co-accused. He, thus, submits that no case for anticipatory bail to the petitioner is made out.

8. The Court has heard learned counsel for the parties and perused the record with their able assistance and it is deciphered that during the investigation, complicity of the petitioner is duly established. The petitioner was granted interim anticipatory bail by this Court vide order dated 10.07.2025 in view of the pendency of the SLP filed by the other co-accused, wherein, they were granted interim bail and were directed to join investigation. However, admittedly, the same has been dismissed by the Hon'ble Supreme Court vide order dated 25.07.2025. Case of the petitioner is at par with that of other co-accused, whose bail petitions have been dismissed by the Hon'ble Supreme Court. Custodial interrogation of the petitioner is required in the present case for unravelling the mystery.

9. 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 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."*

10. 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 ensconced 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 can be advanced by all accused in all criminal cases. The court has to presume that



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responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

11. 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.

12. 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.

13. 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 his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

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

11.08.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

: Yes/No
: Yes/No