IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. **CRM M-46889 of 2024**
Date of Decision: 07.01.2025

Sherjang and others ...Petitioners

Versus

State of Haryana and others ... Respondents

2. **CRM M-53955 of 2024**

Ashok Kumar Aggarwal and another ... Petitioners

Versus

State of Haryana … Respondent

3. **CRM M-52981 of 2024**

Balwan Singh ... Petitioner

Versus

State of Haryana … Respondent

4. **CRM M-60756 of 2024**

Safaraz Khan ... Petitioner

Versus

State of Haryana and others … Respondents

5. **CRM M-53351 of 2024**

Susheel Kumar Singh Raghava ... Petitioner

Versus

State of Haryana and another … Respondents

6. **CRM M-62765 of 2024**

Yamir Khan and another ... Petitioners

Versus

State of Haryana and others … Respondents

7. **CRM M-62680 of 2024**

Rajender Singh @ Rajender Dhanda ... Petitioner

Versus

State of Haryana … Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. R.S. Rai, Senior Advocate with
Ms. Rubina Virmani, Advocate, for the petitioners
in CRM M-46889 of 2024.

Mr. Gurneet Sagoo, Advocate, for the petitioners
in CRM M-53955 of 2024.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Santosh Sharma, Advocate, and
Mr. Varun Sandhu, Advocate for the petitioner (s)
in CRM M-52981 of 2024 and CRM M-60756 of 2024.

Mr. Tanvir Singh Grewal, Advocate
for the petitioner (s) in CRM M-53351 of 2024 and
CRM M-62680-2024.

Ms. Mehak Sawhney, Advocate
for the petitioners in CRM M-62765-2024.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar Sharma, Advocate
Mr. Vipul Sachdeva, Advocate
Mr. Bhisham Kinger, Advocate and
Mr. Gurpreet Singh, Advocate for the complainant

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off above mentioned seven petitions, i.e., **CRM M-46889 of 2024** titled as "**Sherjang and others Vs. State of Haryana and others", CRM M-53955 of 2024** titled as **"Ashok Kumar Aggarwal and another Vs. State of Haryana", CRM M-52981 of 2024** titled as **"Balwan Singh Vs. State of Haryana", CRM M-60756 of 2024** titled as **"Sarfaraz Khan Vs. State of Haryana and others", CRM M-53351 of 2024** titled as **" Susheel Kumar Singh Raghava Vs. State of Haryana and another"** and **CRM M-62765 of 2024** titled as **" Yamir Khan and another Vs. State of Haryana and others",** which have been filed by the petitioners under Section 482 of BNSS with a prayer to grant the concession of anticipatory bail to them in case FIR No. 239 dated 11.07.2024 under Sections 120-B, 409, 420, 467, 468 and 471 of IPC registered at Police Station City Sohna, District Gurugram (Annexure P-1).

2. Alongwith the aforesaid petitions, one more petition, i.e., **CRM M-62680 of 2024** titled as **"Rajender Singh @ Rajender Dhanda Vs. State of Haryana"** is also being disposed off, wherein, the petitioner has prayed for grant of regular bail to him in the same FIR, i.e., FIR No. 239 dated 11.07.2024 under Sections 409, 420, 467, 468, 471, 120-B of IPC and later on added offences Section 7 and

13(1)(b) of the Prevention of Corruption Act, 1988, Police Station City Sohna, District Gurugram, Haryana.

3. The FIR in the present case has been registered at the instance of Deepak Aggarwal, the partner of M/s Yashdeep Builder LLP, Gurugram, wherein, he alleged that the company of complainant was looking for a land to invest and for development of real estate society since the year 2018. In the meantime, Balwan Singh, petitioner arranged meeting of the complainant with Akbar, Sherjang Sher Mohammad, Waheed, Saurab Khan, Yamir Khan and Sarfaraj (all petitioners) and stated that those persons were the owners in possession of the land measuring 77 Kanals 09 Marlas and they were willing to sell their land and they would sell the land through Balwan Singh only. As per the allegations, Balwan Singh got the deal finalized on the pretext of getting correct price of their land and an amount of Rs. 2.45 crores was given to the abovementioned persons/petitioners by way of different cheques of different dates and in cash as well. It was further alleged that an agreement to sell dated 31.10.2018 was executed between the complainant and the aforementioned persons/petitioners at the sale consideration of Rs. 4.10 crores per acre. Balwan Singh was required to do the paper work but he had connived with the petitioners and did not get the signatures of all the owners of the land and kept on misrepresenting to the complainant that all the documents had been prepared and were in

his possession. In the end of 2020, the complainant came to know that the aforesaid persons/petitioners had entered into an agreement with Saint Patricks qua the same land through Balwan Singh by taking more money. Prior to this, the LLP of the complainant had entered into a collaboration agreement for developing a residential project on 14.91 acres with one Sushil Kumar, petitioner/accused. Since the collaborated land was not meeting the requirements of the licence conditions of DTCP, some portion of the collaborated land was exchanged with petitioners for operating 4 kanals rasta connectivity. It was also alleged that all the petitioners in connivance with the Saint Patricks had prepared a Mutation No. 2485 in back date to create hindrance in the licence process of the complainant. Apart from that, it was also alleged that the accused had committed offence of evasion of stamp duty of the Government and huge financial loss was caused to the government. With these broad allegations, the FIR was got registered by the complainant against the petitioners in all these petitions.

4. Learned senior counsel appearing on behalf of the petitioners in CRM M-46889 of 2024 titled as **"Sherjang and others Vs. State of Haryana and others"** has argued that the petitioners were the owners in possession of approximately 78 Kanals 5 Marlas of land situated within the revenue estate of village Dhunela, Tehsil Sohna, District Gurugram. In October 2018, the complainant

approached the petitioners with a proposal for exchange of petitioners' land measuring 01 Kanal 12 Marlas with the complainant's LLP portion of collaborated land, which it possessed in view of the registered collaboration agreement bearing Vasika No. 685 dated 15.05.2018 executed between Sushil Kumar, accused and the complainant LLP, i.e., M/s Yashdeep Builder LLP. The said collaborated land of the complainant was just adjoining to the land owned and possessed by the petitioners. The complainant informed the petitioners that he had paid a sum of Rs. 5.96 crores to Sushil Kumar as non refundable security under the collaboration agreement dated 15.05.2018 for development of a residential plotted colony and the land owned and possessed by the petitioners was urgently required by the complainant to connect the land agreed to be developed under the collaboration agreement dated 15.05.2018. Even, the complainant offered to pay a sum of Rs. 2 crores as compensation, in lieu of exchange of portion of the land with the portion of collaborated land of the complainant. Even, the land was urgently required by the complainant as he had to apply for a licence with the Government of Haryana. Learned counsel further contends that the complainant handed over 8 cheques of Rs. 2 crores to the petitioners dated 31.10.2018 and an exchange deed No. 4265 dated 02.11.2018 was duly executed with the complainant LLP. The petitioners had exchanged their 01 Kanal 12 Marls of land with the complainant and the cheques were presented for encashment on 02.11.2018. Learned senior counsel further contends that the petitioners had no concern with the complainant or his LLP or Sushil Kumar and with regard to the remaining land of the petitioners they had entered into a collaboration agreement dated 12.11.2020 (Annexure P-3) with a company Saint Patricks Reality Private Limited for developing a residential housing project. Surprisingly after more than 02 years of registration of exchange deed dated 02.11.2018 (Annexure P-2), the petitioner received copy of summons and plaint (Annexure P-4) from the Court of Civil Judge (Junior Division) Sohna in a suit titled as **"Yashdeep Builder LLP Vs. Akbar and others".** In fact, from a perusal of the plaint (Annexure P-4), it was apparent the complainant LLP had filed a suit for specific performance alongwith the consequential relief of permanent injunction on the strength of an alleged oral agreement to sell dated 31.10.2018. Even, it was wrongly shown that an amount of Rs. 2 crores was paid as earnest money to the petitioners. In fact, the complainant had wrongly taken advantage of the amount of compensation, which was paid at the time of execution of the exchange deed. In fact, the complainant had malafide intentions from the inception as the oral agreement dated 31.10.2018 was never executed between the complainant and the petitioners. Thus, feeling aggrieved, the petitioners and others also filed a suit for declaration, possession and permanent injunction against the complainant for setting aside the exchange deed dated 02.11.2018 vide plaint (Annexure P-5).

5. Learned senior counsel further submits that the aforementioned both the suits are pending for adjudication before the Civil Courts at Sohna. The complainant also filed an application under Order 39 Rule 1 and 2 of Code of Civil Procedure, seeking temporary injunction and the said application filed by the complainant was not allowed by the Civil Judge (JD) Sohna. The complainant has filed an appeal against the rejection of prayer for stay before the Court of District Judge, Gurugram, which is pending for adjudication. However, after a period of about 03 years, the complainant got the present FIR registered with an oblique motive and concealed the above mentioned facts and has given criminal colour to the civil dispute between the parties. In fact, in the FIR, a reference was made to the events of the years 2018 to 2020 and the civil suit in reference to the events mentioned in the FIR was pending since 2021; Still no FIR was registered by the complainant in the last about 03 years.

6. Learned senior counsel further submits that in the FIR, it has been falsely alleged that an agreement to sell dated 31.01.2018 was executed between the petitioners and others on one side and the complainant on the other side whereas from a perusal of the plaint dated 12.01.2021 (Annexure P-4), it is apparent that the whole case of the complainant is based on an alleged oral agreement to sell dated

31.10.2018. Thus, the very basis of the registration of the FIR was wrong and above referred facts relating to the pendency of the civil litigation had been concealed by the complainant.

7. Apart from that, even, the detailed particulars in the alleged agreement dated 31.10.2018 were completely missing and a vague allegation was levelled by the complainant that there was evasion of stamp duty. Learned senior counsel further contends that the petitioners are neither the public servants nor bankers nor merchants nor factors nor brokers nor agents of the complainant or any other person and Section 409 IPC was wrongly added in the present case. Still further, the complainant could not show as to how he had been deceived or any inducement was given by the petitioners. Even, there was no conclusive act between the petitioners and the complainant and the allegations were apparently false and baseless. Still further, there was no allegations that the petitioners had created any false record or document and only it was alleged that a mutation was wrongly entered by the revenue officers, which can never be stated to be a forgery.

8. Learned senior counsel further submits that from the allegations levelled in the FIR, it is apparent that a civil dispute has been wrongly converted into a criminal offence and the parties have already availed efficacious civil remedies. Through his authorized person Balwan Singh had filed a civil suit (Annexure P-4) on

12.01.2021 and when the complainant could not succeed in getting a favourable interim injunction order, he initiated criminal prosecution against the petitioners. Moreover, the case is based on documentary evidence and the custodial interrogation of the petitioners may not be required.

9. Learned senior counsel further submits that nowadays, there is a growing tendency in the business circles to convert purely civil disputes into a criminal offence. However, any effort to settle the civil disputes and claims, which do not involve any criminal offence, by applying pressure through the criminal prosecution should be deprecated and discouraged. The Hon'ble Supreme Court in the matter of M***/s Indian Oil Corporation Vs. M/s NEPC India Limited and others, 2006(3) RCR (Criminal) 740*** held as follows:-

> *"9. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few -* ***Madhavrao Jiwaji Rao Scindia v. Sambhajirao Chandrojirao Angre, 1988(1) RCR (Criminal) 565: [1988(1) SCC 692], State of Haryana v. Bhajanlal, 1991(1) RCR (Criminal) 383: [1992 Supp (1) SCC 335), Rupan Deol Bajaj v. Kanwar Pal Singh Gill, 1995(3) RCR (Criminal) 700: (1995(6) SCC 194), Central Bureau of Investigation v. Duncans Agro Industries Ltd., 1996(3) RCR (Criminal) 60: [1996(5) SCC 591), State of Bihar v. Rajendra Agrawalla,***

1996(1) RCR (Criminal) 530: [1996(8) SCC 164), Rajesh Bajaj v. State of NCT of Delhi, 1999(2) RCR (Criminal) 160: [1999(3) SCC 259), Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd., 2000(2) RCR (Crl. 122: [2000(3) SCC 269], Hridaya Ranjan Prasad Verma v. State of Bihar, 2000(2) RCR (Criminal) 484: {2000(4) SCC 168], M. Krishnan v. Vijay Kumar, 2001(4) RCR (Criminal) 405: (2001(8) SCC 645), and Zandu Phamaceutical Works Ltd. v. Mohd. Sharaful Haque, 2004(4) RCR (Criminal) 937: 2005(1) Apex Criminal 75: [2005(1) SCC 122). *The principles, relevant to our purpose are:*

"(i) A complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(m) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not. 10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the

interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure though criminal prosecution should be deprecated and discouraged. In ***G. Sagar Suri v. State of U.P., 2000(1) RCR (Criminal) 707: [2000(2) SCC 636]****, this Court observed:*

"It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."

While no one with a legitimate cause or grievance should be prevented from seeking remedies available in criminal law, a complainant who initiates or persists with a prosecution, being fully aware that the criminal proceedings are unwarranted and his remedy lies in civil law, should himself be made accountable, at the end of such misconceived criminal proceedings, in accordance with law. One positive step that can be taken by the

> *courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under Section 250 Cr.P.C., more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant. Be that as it may".*

10. Still further, learned senior counsel has further placed reliance on the law laid down by the Hon'ble Supreme Court in the matter of ***Deepak Gaba and others Vs. State of Uttar Pradesh and another, AIR, 2023 SC 228,*** wherein, the Hon'ble Supreme Court held as follows:-

> *16. In order to apply Section 420 of the IPC, namely cheating and dishonestly inducing delivery of property, the ingredients of Section 415 of the IPC have to be satisfied. To constitute an offence of cheating under Section 415 of the IPC, a person should be induced, either fraudulently or dishonestly, to deliver any property to any person, or consent that any person shall retain any property. The second class of acts set forth in the section is the intentional inducement of doing or omitting to do anything which the person deceived would not do or omit to do, if she were not so deceived. Thus, the sine qua non of Section 415 of the IPC is "fraudulence", "dishonesty", or "intentional inducement", and the absence of these elements would debase the offence of cheating. [11*] Explaining the contours, this Court in* ***Mohd. Ibrahim and Another v. State of Bihar and Others (2009) 8 SCC 751 [12*]*** *, observed that for the offence of cheating, there should not only be cheating, but as a consequence of such*

cheating, the accused should also have dishonestly adduced the person deceived to deliver any property to a person; or to make, alter, or destroy, wholly or in part, a valuable security, or anything signed or sealed and which is capable of being converted into a valuable security.

[11 Iridium India Telecom Limited v. Motorola Incorporated and Others, AIR 2011 SC 20.]*

[12 This Court, in this case, has cautioned that the ratio should not be misunderstood, to record the clarification, which in the present case, in our opinion, is not of any avail and help to respondent no. 2 - complainant. We respectfully concur with the clarification as well as the ratio explaining Section 415, 464 etc. of the IPC.]*

17. In the present case, the ingredients to constitute an offence under Section 420 read with Section 415 of the IPC are absent. The pre-summoning evidence does not disclose and establish the essential ingredients of Section 415 of the IPC. There is no assertion, much less legal evidence, to submit that JIPL had engaged in dishonesty, fraud, or intentional inducement to deliver a property. It is not the case of respondent no. 2 - complainant that JIPL had tried to deceive them, either by making a false or misleading representation, or by any other action or omission; nor is it their case that JIPL had offered any fraudulent or dishonest inducement to deliver a property. As such, given that the ingredients of Section 415 of the IPC are not satisfied, the offence under Section 420 of the IPC is not made out.

18. Section 471 of the IPC [13] is also not attracted. This Section is applicable when a person fraudulently or dishonestly uses as genuine any document or electronic record, which he knows or has reasons to believe to be a forged document or electronic record. This Court in Mohd. Ibrahim and Another (Supra), has elucidated that the condition precedent of an offence under Section 471 of the IPC is forgery by making a false document or false electronic record or part thereof. Further, to constitute the offence under Section 471 of the IPC, it has to be proven that the document was "forged" in terms of Section 470 [14*] , and "false" in terms of Section 464 of the IPC [15*] . Section 470 lays down that a document is `forged' if there is: (i) fraudulent or dishonest use of a document as genuine; and (ii) knowledge or reasonable belief on the part of the person using the document that it is a forged one. Section 470 defines a forged document as a false document made by forgery. As per Section 464 of the IPC, a person is said to have made a `false document': (i) if he has made or executed a document claiming to be someone else or authorised by someone else; (ii) if he has altered or tampered a document; or (iii) if he has obtained a document by practising deception, or from a person not in control of his senses. Unless, the document is false and forged in terms of Sections 464 and 470 of the IPC respectively, the requirement of Section 471 of the IPC would not be met.*

[13 471. Using as genuine a forged document or electronic record.-Whoever fraudulently or dishonestly uses as genuine any document or electronic record which*

he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.]

[14 470. Forged document.-A false document or electronic record] made wholly or in part by forgery is designated "a forged document or electronic record"]*

[15 464 - Making a false document .- A person is said to make a false document or false electronic recordFirst.-Who dishonestly or fraudulently-*

(a) makes, signs, seals or executes a document or part of a document; (b) makes or transmits any electronic record or part of any electronic record;

(c) affixes any electronic signature on any electronic record;

(d) makes any mark denoting the execution of a document or the authenticity of the electronic signature,with the intention of causing it to be believed that such document or part of document, electronic record or 2 [electronic signature] was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, singed, sealed, executed or affixed; or

Secondly.-Who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other

> *person, whether such person be living or dead at the time of such alteration; or*
>
> *Thirdly.-Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.]"*

11. Additionally, learned senior counsel appearing on behalf of Balwan Singh petitioner in CRM M-52981 of 2024 has also vehemently argued that the petitioner has also filed an arbitration petition under Section 9 of the Arbitration and Conciliation Act bearing No. ARB 59 of 2023 against his expulsion from the firm, which is pending in the Court of Mahavir Singh, Additional District Judge, Exclusive Commercial Court, Gurugram. He further contends that the complainant in the FIR had deliberately and intentionally concealed the status and capacity of designated partner of the petitioner in M/s Yashdeep Builders LLP, i.e., the LLP of the complainant and his shareholding and capital contribution have been illegally misappropriated by the complainant in collusion with others. He further contends that when the application under Order 39 Rule 1 and 2 CPC was disposed off with a condition that M/s Saint Patricks could alienate the suit property, the FIR was got registered by the

complainant as an arm twisting measure. Even, various false and sensational allegations have been levelled by the complainant, without any basis and an attempt has been made to convert the civil dispute into a criminal offence.

12. Learned counsel appearing on behalf of the petitioner Rajender Singh @ Rajender Dhanda in CRM M-62680 of 2024 submits that the petitioner was not even named in the FIR and was falsely involved by the complainant. The petitioner was in no manner involved nor a party to any of the agreements as regarding sale and purchase of the land between the parties. In fact, at the time of the commission of the alleged offence, the petitioner was posted as Patwari at village Ghamdoj, District Gurugram. Even, an exchange deed vide Vasika No. 4265 dated 02.11.2018 was executed between Sherjang and others on the one side and the complainant LLP on the other side and it was duly registered with the Sub-Registrar, Sohna. A mutation No. 2138 was sanctioned in view of the registered exchange deed. Thereafter, a correction was made in the mutation No. 2107 and mutation No. 2140 was entered and sanctioned on 06.12.2018. Another mutation No. 2138 was also corrected and correct mutation bearing No. 2141 was also sanctioned and entered on 06.12.2018. In order to check the attempts being made by the complainant to encroach upon the land of Sherjang and others beyond the exchange deed bearing Vasika No. 4265 dated 02.11.2018, Sherjang and others

submitted an application to rectify mutation No. 2141 and got sanctioned mutation No. 2485 (Sehat Intkal) for Killa No. 5/1 of Rectangle No. 40 situated in village Dhunela, Tehsil Sohna, District Gurugram. He further contends that the process of rectification of mutations was done on the applications made by the parties and can never be termed as a forgery. Still further, both the parties were already litigating before civil courts and the FIR was wrongly registered by the police. Still further, the petitioner was arrested in the present case on 23.10.2024 and the police had already collected the documentary evidence against him and the investigation was complete. Thus, further custody of the petitioner will not serve any meaningful purpose.

13. Similar arguments have been raised by learned counsel appearing on behalf of the petitioners in all the connected matters.

14. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners. They submit that the complainant LLP entered into an agreement to sell with the petitioners and other land owners through Balram Singh, accused. The petitioners and other owners entered into an exchange agreement only qua a small portion of the land. Still further, in the year 2020, the complainant came to know that Sherjang etc., had entered into a collaboration agreement with Saint Patricks. Learned counsel further

submits that the exchange deed was only a supplement to the land of the complainant for the purpose of licencing. However, the petitioners and other co-accused in connivance with the revenue officials had committed the act of forgery. The petitioners also filed objections before the DTCP alleging that the complainant/company did not have the requisite rasta/road and no licence be granted to the complainant LLP. Even Saint Patricks had used a forged Sehat Intkal No. 2485, in which, there were no signatures of the revenue officials. However, later on, the petitioners had entered into an agreement with Saint Patricks vide Annexure P-3 subsequently, to oust the complainant LLP and to grant its land even the mutations were forged so that Saint Patricks could grant the entire land and the petitioners had forged and fabricated the documents for the same.

15. I have heard learned counsel for the parties and perused the record carefully.

16. In the present case, admittedly, the case of the complainant is based on an agreement dated 31.10.2008, which was executed by Sherjang, Sher Mohammad, Yamir Khan, Waheed Khan, Sarfaraj Khan, Akbar and Saurab, however, all the sellers had not signed the agreement. Even, all the transactions were made in between the years 2018 to 2020, whereas the FIR has been got registered by the complainant on 11.07.2024. Apart from that, the complainant side has already filed a civil suit for specific performance

alongwith consequential relief of permanent injunction, based on oral agreement dated 31.10.2018 whereas the petitioners' side has already filed a suit for declaration, possession and permanent injunction (Annexure P-5) against the complainant side. The parties are litigating before the Civil Courts since 2021 i.e., almost 03 years prior to the registration of the present FIR. Thus, the civil litigation is already pending between the parties with regard to the various transactions, which had taken place between the complainant side and the accused. The complainant side is yet to lead evidence to prove the ingredients of the offence against all the petitioners.

17. Apart from that, the case seems to be primarily based on documentary evidence and admittedly most of the documentary evidence has already been collected by the police. Even, the documents, which are the basis of the criminal case have already been submitted by both the sides before the Civil Courts. Thus, the custodial interrogation of the petitioners may not be required in the present case.

18. As an upshot of the aforesaid discussion, without commenting any further on the merits of the case, the present petitions, i.e., **CRM M-46889 of 2024** titled as "**Sherjang and others Vs. State of Haryana and others", CRM M-53955 of 2024** titled as **"Ashok Kumar Aggarwal and another Vs. State of Haryana", CRM M-52981 of 2024** titled as **"Balwan Singh Vs. State of**

Haryana", CRM M-60756 of 2024 titled as **"Sarfaraz Khan Vs. State of Haryana and others", CRM M-53351 of 2024** titled as **" Susheel Kumar Singh Raghava Vs. State of Haryana and another"** and **CRM M-62765 of 2024** titled as **" Yamir Khan and another Vs. State of Haryana and others"** are allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the BNSS. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

19. The petitioner, Rajender Singh @ Rajender Dhanda is in custody since 23.10.2024 and the investigation against him almost complete. Still further, all the offences are triable by the Court of Magistrate and his further custody will not serve any meaningful purpose. Thus, in view of the above, without commenting any further on the merits, the present petition, i.e., **CRM M-62680 of 2024** titled as **"Rajender Singh @ Rajender Dhanda Vs. State of Haryana"** is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

20. The above observations have been made only for the limited purpose of disposal of the present bail applications and shall

not be construed as an expression of opinion on the merits of the case. The parties will be at liberty to raise their respective pleas through civil as well as criminal proceedings.

07.01.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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