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(214)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 23.09.2025

SATISH KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. V.P. Sangwan, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.424 dated 30.06.2025 registered under Sections 120-B, 406, 418, 420, 424 IPC at Police Station HTM, Hisar.

2. The present FIR came to be registered at the instance of Renu Kumari widow of late Sandeep S/o late Mewa Singh and the same reads as under:-

“To, Ld. Superintendent of Police, Anti-Corruption Bureau (ACB), Hisar. Subject: Legal action be taken against Satish son of Mewa Singh and Ramdevi wife of Mewa Singh resident of Dariyapur, Tehsil Tosham District Bhiwani, who in connivance with each other and by concealing facts, fraudulently and with the intention of cheating and dishonesty, fraudulently got transferred 100 sq. yard plot no. 153, Surya



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Nagar Hisar of Hisar Shiv Shakti Cooperative Society in their name which was in the name of my late husband constable Sandeep son of Shri Mewa Singh resident of Dariyapur, Tehsil Tosham District Bhiwani who died in a road accident on 20.02.2018 during his posting as constable in Haryana Police in the office of Superintendent of Police, Hisar. Sir, I Renu Kumari, widow of constable Sandeep son of Mewa Singh, resident of Dariyapur, Tehsil Tosham, Bhiwani is resident of the above mentioned address and do domestic work. I was married to Sandeep son of late Mewa Singh, resident of Dariyapur on 03.12.2014 according to Hindu customs. After marriage, I gave birth to a girl from Sandeep, whose age is currently eight years. My husband Sandeep was working as a constable in the Haryana Police Department at District Police Office, Hisar. My husband Sandeep Kumar died in a road accident on 20.02.2018. After my marriage, my husband Sandeep told me that he used to play National kabaddi at the rural level and the money which he got as prize money and with that money he bought a 100 sq. yard plot in Shiv Shakti Society, Surya Nagar, Hisar and told me that it was in his name. After the death of my husband, when I asked about the plot of my husband Sandeep to my brother-in-law Satish Kumar, son of late Shri Mewa Singh resident Dariyapur Tehsil Tosham District Bhiwani, who is employed in IRB Haryana Police Department, my brother-in-law Satish Kumar said that he will get this plot registered in your name and your daughter Bhavi's name and will get the above plot registered in your name whenever you want. My brother-in-law Satish Kumar gave full assurance about getting the said plot registered in my name and has kept me in the dark till now. About two months ago, when I mentioned about the plot in Shiv Shakti Society Hisar to my mother-in-law Rama Devi and brother-in-law Satish, my mother-in-law Rama Devi and brother-in-law Satish said that you do not have any plot, whereas after the death of my husband Sandeep, I and my



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daughter Bhavi are legally entitled to my husband Sandeep property. After this, I obtained information about the plot in Shiv Shakti Society, Hisar in the name of my husband Sandeep. Then I came to know that my brother-in-law Satish had fraudulently submitted an affidavit in Shiv Shakti Society on 23.08.2018, one month after the death of my husband Sandeep, with the intention of fraudulently and deceitfully usurping my husband's plot. In which my brother-in-law Satish got the said 100 sq. yard plot no. 153 Surya Nagar Hisar transferred in his name in Shiv Shakti Society, Hisar by hiding the facts about my husband Sandeep being married and me and my daughter Bhavi being the heirs, whereas legally, after the death of my husband Sandeep, I and my daughter Bhavi become the real owners of his property. That my brother-in-law Satish in this criminal act in order to hide the facts in the affidavit has given a fake permanent address to be (Satish Kumar son of Shri Mewa Singh, resident 428 E Nand Vihar III Azad Nagar Hisar instead of Satish Kumar son of Shri Mewa Singh, resident Dariyapur, Tehsil Tosham District Bhiwani) which he has mentioned by himself with PAN, on the basis of which, in the society allotment cum possession letter, the permanent address of my brother-in-law Satish, is mentioned same instead of permanent address of village Dariyapur, Tosham District Bhiwani, and similarly, by getting the above mentioned plot transferred in the name of my mother-in-law Rama Devi wife of late Shri Mewa Singh, resident Dariyapur Tehsil Tosham District Bhiwani, in the allotment cum possession letter in the name of Rama Devi, instead of giving the permanent address of my mother-in-law Rama Devi, the above mentioned fake address has been shown so that I do not get any information about the plot in Shiv Shakti Society, Hisar which in the name of my husband Sandeep and with the intention of misleading the society in the documents submitted by my brother-in-law Satish and mother-in-law Rama Devi in connivance with the employee of the



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society to usurp the plot in the name of my husband Sandeep by fraud, no identity proof document related to the said address H.No. 428 E Nand Vihar III Azad Nagar Hisar has been submitted and neither has Shiv Shakti Society, Hisar obtained any document related to the said address while transferring the plot, which I have come to know about from the documents received through Registrar Society, Hisar, whose photo copy is attached with my complaint. Here it is pertinent to mention that my brother-in-law Satish, with the intention of fraudulently usurping the said plot, in collusion with the employees of the society, got the said plot transferred in the name of my mother-in-law Rama Devi on 27.03.2018 within a week and again became the nominee with the intention of usurping the plot himself. Whereas in section 22 of Haryana Cooperative Society Act 1984, it is mentioned that permission for transfer will not be given unless the share has been held by the member for a period of at least 2 years, A photocopy of which is attached with my complaint. Hence, I request you to take the strictest legal action against my brother-in-law Satish and my mother-in-law Rama Devi for fraudulently and deceitfully usurping my plot and provide me justice. SD RENU KUMARI Renu Kumari, widow of late Shri Sandeep.”

3. During investigation, the record from Assistant Registrar Cooperative Society, Hisar was obtained by the Investigating Officer on 02.09.2025 and the statement of record keeper, Clerk Satyawan was recorded by the Investigating Officer. The verification of the address as mentioned by the petitioner in the affidavit was done by the Investigating Officer. On verification, it has been found that the petitioner had given a fake address in the affidavits and he was not

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residing there. The fake address was given by the petitioner for transfer of plot.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The dispute is of a civil nature as has been found by the Economic Offences Wing, Hisar to whom the complainant had first made a complaint. There is no criminal intent on the part of the petitioner to commit the offences in question. There is a delay in 7 years in the registration of the FIR. As the petitioner is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

5. A reply dated 16.09.2025 by way of an affidavit of Tanuj Sharma, HPS, Deputy Superintendent of Police, Traffic, Hisar has been filed on behalf of the respondent-State by the learned State counsel and the same is taken on record. While referring to the reply, he along with the learned counsel for the complainant contend that the petitioner and his mother had clear fraudulent intent as is evident from the concealment in the affidavits and quick transfers of the property. The affidavit does not refer to the deceased having a wife and daughter and the address as mentioned is also incorrect. There are cuttings in the record and it has been found that the addresses given in the affidavits for transfer of the plot were fake and the petitioner was not residing there. In fact, the plot was transferred within one month of the death of Sandeep S/o Mewa Singh and soon thereafter to his mother Rama Devi's name ignoring the rights of the widow/complainant and the minor daughter. It was only



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later in 2025 that the nominee was changed to the complainant's daughter Bhavi. The FIR came to be registered after 7 years of the death of Sandeep as the complainant being a widowed lady trusted the petitioner and her mother-in-law to the extent that they would transfer the property in her and her daughter's name and the fraud came to be discovered only a few months prior to the lodging of the complaint in the year 2025. The inquiry of the E.O.W. was preliminary and not conclusive. Subsequently, the inquiry conducted by the ACB revealed the fraud including the filing of false affidavits and violations of Rules of the Societies Act. They therefore, contend that as a poor widow and her minor daughter have been cheated, *prima facie*, the offences stand established and therefore, to take the investigation to its logical conclusion the custodial interrogation of the petitioner is necessary and hence, he is not entitled to the concession of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part



that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the***



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accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

8. Admittedly, the property in question stood in the name of deceased Sandeep, husband of the complainant. On his death in the year 2018 his brother and mother i.e. the brother-in-law and mother-in-law of the complainant had promised to transfer the property in the name of the complainant and her daughter. However, instead the petitioner initially got the property transferred in his own name and soon thereafter in the name of his mother. It was only later when the complaint was instituted that the minor daughter of the complainant was made a nominee. It may be pertinent to mention here that in view of the judgments in **Vishin N. Khandchandani Vs. Vidya Lachmandas Khanchandani, 2000 AIR Supreme Court 2747** and **Ram Chander Talwar Vs. Devender Kumar Talwar, 2011 AIR SC (Civil) 923**, the nominee holds the property as a trustee on behalf of all the legal heirs and is not the sole owner as has been sought to be canvassed before this Court. The affidavits furnished by the petitioner for transfer of the property in his name have been found to contain incorrect particulars regarding his address and there is no mention that the complainant and her daughter are the legal heirs of the deceased. The initial inquiry conducted by the E.O.W. whereby it has been found that it is a case of a civil dispute is clearly half-baked without appreciating the entire material on record. The subsequent

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inquiry conducted by the ACB is a detailed one examining all aspects of the matter which has led to the registration of the FIR. It cannot be lost sight off that Satish Kumar (petitioner) himself is an employee of the Haryana Police.

9. In view of the aforementioned facts and circumstances, as the offences are *prima facie* made out and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, the present petition stands dismissed.

10. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

23.09.2025
JITESH

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