



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

274

CRM-M-45759-2025
Date of Decision : 11.11.2025

BALBIR SINGH PATHANIA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Brajesh Yadav, Advocate, Mr. Akshay Kumar, Advocate and
Mr. Ajeet Yadav, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 BNSS, has been filed by petitioner, an accused in case bearing FIR No.144 dated 02.06.2024 registered against him at Police Station Sector 40, District Gurugram, for the commission of offences punishable u/s 81, 82 of Registration Act, 1908 and Sections 120-B, 177, 420, 423, 467, 468, 471 of IPC (now Sections 61, 212, 318 (4), 322, 338, 336(3), 340(2) of BNS).

2. Relevant facts as emerging from documents/Status Report as filed by the State, be noticed hereinbelow:-

Late Swami Dhirender Bharamchari, a renowned Yoga Guru had incorporated and got registered a society under the name and style of 'Aparna Ashram' (bearing registration No.S5766 of 1973-74) under the Societies Registration Act.



The Society was incorporated to spread the benefits of Yoga among the masses, the member of the Society were obliged to discharge the duties for the benefit of public at large. 'Governing Council' consisting of 4 members including the Yoga Guru was constituted to carry out aims and objectives of the Society.

In 1983-84, Swami Dhirender purchased land measuring 192 Kanal 16 marlas situated within the revenue estate of Village Silokhra Tehsil and District Gurgaon, in the name of 'Aparna Ashram', with the help of donation and grants received by him from time to time from the Central Government.

Notice of acquisition of land in question, including some other land of Village Silokhra Tehsil and District Gurgaon, was set aside by this Court in CWP-3117-1990, filed by late Swami Dhirender Bharamchari.

In June, 1994, after the death of Swami, two rival groups came into existence to manage the affairs of the society; one led by Laxman Chaudhary and another led by Murali Chaudhary. Murli group consisted of Subhash Dutt, his brother Ashok Kumar, Himanshu, accused - K.S. Pathania (since deceased) his son Bharat, B.S. Pathania (petitioner herein), S.P. Verma etc.

In July 1997, the Income Tax Authorities raised a demand of Rs.24,80,28,076/- from the Society for the assessment years 1972-73 to 1992-93. In compliance of the order, Rapat No.552 notifying the attachment of land of the Society was passed.

In August 2000, accused - K.S. Pathania (since deceased) and others convened a meeting and authorized Subhash Dutt to enter into Collaboration and Development agreement with M/s Damodar Corporation. B.S. Pathania (petitioner herein) was also enrolled as a member of the Society in their meeting.



In September, 2000, a partnership firm under the name of 'M/s Sri Damodar Corporation' consisting of 3 partners (Kailash Nath Chaturvedi, Sushila Devi and Hasthimal Jain Munoot) was formed. On the following day, Subhash Dutt entered into Collaboration Development Agreement with M/s Sri Damodar Corporation. On the strength of the said CDA, M/s Sri Damodar Corporation entered into multiple agreements with various companies including M/s Unitech Limited, M/s MGF Development Ltd., M/s IDM International and M/s Columbia Holdings Pvt. Ltd.

The rival group of Laxman Chaudhary and Aparna Ashram filed a Civil Suit bearing No.232/2004 in Gurgaon against M/s Sri Damodar Corporation and the above builder firms. The said suit was though withdrawn. On similar grounds in August 2004, Aparna Ashram and others filed a Civil Suit No. 125 of 2004 against the builder firms and the rival faction of the Society, averring therein that Subhash Dutt had no authority to enter into collaboration agreement. The suit was decreed, vide judgment and decree dated 16.12.2016. The society was held to be owner in possession of the land in question. Agreements executed on the strength of collaboration agreement were held illegal. Documents further reveal that Sh. K.S. Pathania and Subhash Dutt who were impleaded as defendant No.9 and 10, respectively in the said suit, neither filed any WS nor raised by objection that suit has not been filed by the duly authorized person.

The appeals filed against the judgment and decree dated 16.12.2016 of learned Civil Judge (Jr. Divn.) were either dismissed in default/dismissed as withdrawn, from February 2021 to February 2025. Meaning thereby that the aforesaid judgment dated 16.12.2016, vide which Society was held to be owner has attained finality.



In 2020, the owners of M3M Group of Companies along with late K.S.Pathania, the present petitioner and others, conspired with each other to execute and get registered a sale deed transferring the ownership of the land of the Society without any consideration. In pursuance thereof, in August 2020, Sh. K.S. Pathania, the brother of the present petitioner, knowing fully well that the land of the society cannot be sold, executed an agreement to sell the land on behalf of the Society with the 4 companies (Radox Traders Pvt. Ltd. owned by Amit Katyal, M/s S.S. Premium Pvt. Ltd, Rosmerta Infrastructure, Star Care Pvt. Ltd. Etc.) for a sale consideration of Rs.57 crores. As per the documents collected by the Investigating Agency, at the time of execution of the agreement to sell, no money was paid by two of the buyer companies.

Subsequently, the 4 companies entered into development agreement with Aparna Ashram Society and M/s Sri Damodar Corporation, the primary object of which was to siphon the funds of the Society. These 4 companies sold their share holding to another company, who in furtherance of joint development agreement entered into a buy back agreement, wherein it was mentioned that in pursuance of understanding arrived at between the society and Sri Damodar Corporation, society had relinquished and surrendered its right in favour of Sri Damodar Corporation, which would have the option to sell the entire allocation to buyer company, who will in turn have the option to purchase the entire allocation for consideration of Rs.260,00,00,000/-.

If further emerges from the facts so mentioned in the status report that in December 2020, Mr. K.S. Pathania submitted an application to Deputy Commissioner, Gurgaon seeking permission for manual registration of the conveyance deed for sale of land to the prospective purchasers and also for



exempting the members of the society to visit the office for registration purposes. The permission was granted by the then Deputy Commissioner, without verifying as to whether the aforesaid Mr. K.S. Pathania had the authority to move such an application.

The other rival group of the society headed by Laxman Chaudhary moved an application to Deputy Commissioner requesting him to withdraw the permission so granted to Mr. K.S. Pathania for manual registration.

In the meeting held on 17.12.2020, Mr. B.S. Pathania (present petitioner) and others approved the joint development agreement with Radox Traders and Sister concerns as also authorized Mr. K.S. Pathania to execute the sale deed on behalf of the society. In furtherance of the said resolution on 18.12.2020, a sale deed was executed in favour of 4 companies (mentioned above, Rosmerta etc.). Mr. K.S. Pathania and Mr. Subhash Dutt also appended their affidavit deposing therein that Laxman Chaudhary is not the Governing body of the society, that the seller is absolute owner in possession of the land, that there is no suit pending in relation to the title of the land.

As the land was under attachment of the Income Tax Department, on 21.12.2020 some amount was paid towards the Income Tax and a rapat to this effect was also got executed so as to facilitate the registration of the sale deed.

On 23.12.2020, the Deputy Commissioner, Gurgaon after enquiring into the matter, cancelled the permission for manual registration. On the following day, i.e. 24.12.2020, however, all accused in connivance with each other managed to get the sale deed executed qua 24 kanal 16 marlas in favour of the 4 above-mentioned companies. Nonetheless, on 27.12.2020, the sale deed was



finally set aside by the Deputy Commissioner in accordance with the guidelines issued by the Haryana Registration Manual.

Buyer companies assailed the aforesaid order of the Deputy Commissioner before this Court. The petition was dismissed, vide order dated 23.03.2023 (CWP No.494 of 2021).

On payment of some amount, the buyer companies obtained NOC from Income Tax Department. In April, 2021, the 4 companies transferred their share holding in favour of Twenty Seven Info Care Pvt. Ltd. The earlier bank accounts were closed and new bank accounts were opened. After transfer of shares, Aaron Buildmart Pvt. Ltd. became the holding over company of all the 5 companies. The owner of Aaron Buildmart Pvt. Ltd. is the son-in-law of Basant Bansal (owner of M3M Groups of Companies). In August, 2021, the companies filed a petition before the National Company Law Tribunal (Chandigarh Branch) for initiating Pre-Packaged Insolvency Resolution Process. Forged documents were filed by the companies to get themselves declared insolvent. In April, 2022, co-accused – K.S. Pathania (since deceased) filed a writ petition seeking direction to restrain the National Company Law Tribunal for not proceeding further with the proceedings.

In May 2023, 4 companies filed a Civil Suit No.1272 of 2023 against State of Haryana and Deputy Commissioner-cum-Registrar, Sub Registrar etc. The same came to be dismissed.

Investigations also reveal that Rs.38,95,07,498/- was paid to the society by the buyer companies by way of 4 drafts, each dated 02.02.2024.

In February 2024, the 4 companies again filed a civil suit No.7191 of 2024 arraying the same authorities as defendants, seeking the same relief of



declaration, permanent and mandatory injunction. The said suit was, however, withdrawn.

It further emerges from the facts as mentioned in the status report that though the Registrar of Society had no role to play in the inter-se dispute between the society and its members and it was beyond his jurisdiction to recognize either of the two rival groups as the legal governing bodies, the order to this effect passed in December 2020 was withdrawn in December, 2024, based on the judgments dated 16.12.2016 passed in Civil Suit titled 'Aparna Ashram vs. Damodar Corporation', judgment of Hon'ble Supreme Court, Delhi High Court, K.S. Pathania and Subhash Dutt were held to have no locus standi as members or office bearers of the society.

In June 2024, the present FIR was lodged. The petition for quashing the aforesaid FIR passed by Subhash Dutt was also dismissed. Similar was the fate of the SLP filed before the Hon'ble Supreme Court.

3. Learned counsel for the petitioner submits that petitioner a senior citizen, aged about 69 years, has been falsely implicated in the present case. He was not named in the FIR, neither any money was recovered/found in his account, he was not even party to any of the sale transactions for he did not sign any of the documents as he did not have any role in the decision making process. He has been unnecessarily dragged in the present case only because he is real brother of late Mr. K.S. Pathania, who has already passed away on 20.06.2025. Learned counsel further submits that investigations in the present case are complete, for challan has been filed but the completion of trial is likely to take some time. Thus, further incarceration of the petitioner would not serve any useful purpose. Learned counsel further contends that the main accused namely Amit Katyal, who



had shares in all the four companies and had purchased the land, has since been released on bail by Coordinate Bench of this Court vide order dated 07.07.2025. Further, the other accused namely Kailash Chaturvedi, Vinod Ambawatta @ Vinod Kumar, Dev Lal, Ramanuja have also been granted the concession of bail by Coordinate Benches of this Court vide orders dated 11.07.2025 and 20.08.2025. Thus, similar treatment be meted out to the present petitioner.

4. *Per contra*, while opposing the present petition, learned State counsel has drawn the attention of the Court to the detailed status report filed by way of affidavit of Mr. Amit Bhatia, Assistant Commissioner of Police-East, Gurugram, Member Special Investigation Team, Gurugram, wherein the entire facts leading to the lodging of the present FIR have been elaborated upon. His contention is that petitioner along with the other accused hatched a conspiracy to illegally sell the land of the society, petitioner who was inducted as a member of the society in an emergency meeting held by K.S. Pathania (his real brother) and K.K. Gupta etc. in August 2000 was not able to place any document, application form etc. to show that he was rightfully inducted as a member of the society. Nonetheless, he was aware that the two rival groups had been fighting/were in constant litigation with each other to control the affairs of the society, petitioner had been involved in day to day affairs of the group and had signed various minutes of the meeting being the member of the Governing Council which had illegally and unauthorisely formed the Governing body of the Aparna Ashram Society. He was aware that the land of the society could not have been sold, despite that he signed various resolutions for executing the agreement to sell.

Learned State counsel further submits that economic offences which affect the financial health of the country need to be viewed seriously. Such kind of



offences are committed with a premeditated mind and simply because an accused has been in custody for few months cannot be a ground in itself to extend the concession of bail to them, for such leniency can encourage them to commit similar crimes with the belief that after spending few months in custody they can lead a lavish and comfortable life.

5. Having heard the rival submission advanced by both, learned counsel for the petitioner, as also learned State counsel and also after having gone through the voluminous status report highlighting the sequence of events, this Court expresses its inability to agree with the submissions advanced by counsel for the petitioner, in view of the reasons cited herein below:-

At the outset, it needs to be pointed out that the plea of petitioner that his late brother Sh. K.S. Pathania and Subhash Dutt were authorized by the Governing Council of the Society to sell the land is palpably wrong. It would be appropriate to point out here that after the founder of the Society (Aparna Ashram) Swami Dhirender Bharamchari died in June, 1994, two rival groups came into existence to manage the affairs of the Society. One of the rival group consisted of Subhash Dutt and Sh. K.S. Pathania entered into a collaboration and develop agreement with M/s Damodar Corporation in 2000. In the said meeting, present petitioner was also enrolled as one of the member. The rival group of Laxman Chaudhary filed a Civil Suit against the builder firms and other faction of the society, taking a specific plea that Subhash Dutt has not authority to enter into the agreement. The said suit was decreed by the learned Civil Judge (Junior Division), vide judgment and decree dated 16.12.2016. It would be most appropriate to point out that brother of the petitioner late Sh.K.S. Pathania and Subhash Dutt were impleaded as defendants in the Civil Suit but they not chose to



file any written statement. Further the appeals against the said judgment and decree were also either dismissed in default or dismissed as withdrawn. Thus, the plea of the petitioner that his late brother Sh. K.S. Pathania and Subhash Dutt were authorized by Governing Council of the Society is palpably wrong.

The matter does not end there, in August 2020, Sh. K.S. Pathania knowing fully well that land of the society cannot be sold, executed yet another agreement to sell the said land to 04 builder companies, knowing fully well that they are not competent/authorised to enter into the agreement to sell on behalf of the society. It would also be pertinent to point out that few months later i.e. in December 2020, late Sh. K.S. Pathania and Subhash Dutt claiming themselves to be the authorized persons of the society executed a sale deed in favour of the 4 companies and mentioning absolutely incorrect facts that the other group headed by Laxman Chaudhary does not hold any position in the society and that no suit is pending in relation to the title of the land.

It has also been noticed that in December, 2000, the then Deputy Commissioner, Gurugram cancelled the permission for manual registration but despite that all the accused including petitioner in conspiracy with each other managed to get the sale deed executed qua 24 kanals 16 marls of land in favour of 4 builder companies, which though on 27.12.2020 was set aside. The order of Deputy Commissioner was assailed, before the this Court but the said writ petition bearing CWP No.494 of 2021 was dismissed, vide order dated 23.03.2023.

Learned counsel for the petitioner has placed on record a copy of order dated 20.08.2025 passed by a co-ordinate Bench of this Court in CRM-M-44321-2025 in support of his submission that co-accused have been granted



concession of bail. In the said order, a reference has been made to the order of the Registrar Companies passed in 2020, vide which it was opined that the Governing Council comprising of Subhash Dutt and late Sh. K.S. Pathania, as also the other members including the petitioner had the mandate to carry the activity of Aparna Ashram society, in pursuance to which the general body resolved to sell the land and sale deed was executed in favour of 04 companies. It would be also pertinent to point out here that probably the subsequent order dated December, 2024 passed by Registrar of Societies, Delhi vide which based upon judgment of Hon'ble Supreme Court in SLP No.36062 of 2016, judgment of Delhi High Court in RFA No.784 of 2016, judgment and decree dated 16.12.2016 passed in Civil Suit No.125 of 2004, judgment dated 27.08.2016 passed in Civil Suit No. 7634 of 2016, it was held that the group headed by K.S.Pathania etc. have no *locus standi* as members of office bearers of the society. The said order clarifies the position and further brings to light the systemic fraud committed by all the accused in conspiracy with each other vide which land of the precious Society, valuing several hundred crores, was illegally sold.

Relevant here would also be to point out another peculiar fact of the case. In 2025, vide Civil Suit No. 1600 of 2025, the four builder companies to whom the land had been sold in 2020 filed a Suit for cancellation of the sale deed executed in their favour, and also prayed for issuing directions to defendants therein (Aparna Ashram, K.S. Pathania, B.S.Pathania (present petitioner), M/s Sri Damodar Corporation etc.) to restore the benefit received by them, to plaintiffs and also to make reasonable justified compensation. The said suit was taken up in National Lok Adalat held on 12.07.2025 and based upon the '*No Objection*' given by the defendants, the suit was decreed in entirety and the amount lying deposited

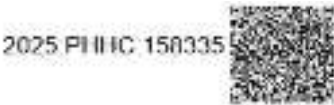


in Society was directed to be returned/refunded to plaintiff-companies. It has already been noted above that the said sale deed had been cancelled by the Deputy Commissioner 27.12.2020. The said order of cancellation was upheld by this Court in CWP No.494 of 2021.

Agreeing with the submissions raised by the learned State counsel that simply because petitioner has been in custody for 07 months and 23 days cannot be ground in itself to extend him concession of bail, particularly in the light of the role played by him and the systemic and calculated fraud committed by him in collusion with other accused.

It would also be appropriate to point out that petitioner cannot claim parity with co-accused Amit Katyal, Kailash Nath Chaturvedi, both of whom were released on bail by this Court primarily on medical grounds. Further co-accused Ramanlal Yadav was neither the purchaser nor the seller even his medical condition was also considered. From the documents, it can also be inferred that petitioner was involved in day-to-day affairs of the company and was fully aware that land of the Society could not have been sold despite that he has signed authorized documents and authorizing his brothers K.S. Pathania and Subhash Dutt to agreement to sell. It has not been disputed that investigations are still underway. Thus, simply because petitioner has been in custody for 07 months, that by itself cannot be a ground, at this stage, to grant him the concession of bail, for if released on bail, there is every likelihood of him fleeing from the process of justice by not appearing in the Court and committing the same offence yet again.

In view of the discussion made hereinabove, the present petition is



hereby dismissed. Learned trial Court is directed to make sincere efforts to expeditiously dispose of the case.

(AARADHNA SAWHNEY)
JUDGE

11.11.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>