IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48997-2025

Date of decision: 10.09.2025

Sunil Kumar ....Petitioner

V/s

State of Haryana ....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. RPS Jammu, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General Haryana.

Mr. Sandeep Vermani, Advocate for the complainant.

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SUMEET GOEL, J.

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.340 dated 07.08.2024 registered for offences punishable under Sections 419, 420, 467, 468, 471 and 120-B of the IPC at Police Station Palam Vihar, District Gurugram.

2. The gravamen of the FIR pertains to defrauding a person namely Mrs. Indira Khanna aged 74 years, registered owner of Plot No.3707P, Sector 23-23-A, Gurugram through sale-deed No.10641 dated 16.08.2004. She alleged that she came to know from reliable sources that accused namely Mr. Sunil Kumar (petitioner herein) had illegally and fraudulently executed a sale-deed No.1693 dated 14.05.2024 in his favour using forged Aadhaar, PAN, photograph and false signatures without her consent or appearance before the Tehsildar in respect of the aforesaid plot. She alleged that she had never sold, transferred or authorized anybody for

sale of the plot in question. Furthermore, the complainant alleged that she had neither applied for transfer of the plot in question in HUDA nor appeared before any authority in this regard. The Aadhaar Card, PAN, photograph and signatures used in the forged sale-deed are false and not of the complainant. The complainant further alleged that the cheque number mentioned in the fraudulent sale-deed was never credited to her account. The complainant has further alleged that she had never appeared before the Tehsildar or signed any documents relating to the plot in question. She alleged that the aforesaid fraudulent act amounts to criminal impersonation, cheating, forgery and fraud under the IPC. According to the complainant, all the original documents of the plot in question were still lying with her which can be verified. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioner and investigation ensued.

3. Learned senior counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated in the present case. Learned senior counsel has further iterated that the petitioner has purchased the plot in question, after paying a substantial amount to the persons impersonating as the lawful owner namely Indira, Mukesh Kumar Meena, Dropadi Meena and Nishant Dalal. According to learned Senior counsel, the petitioner acted in good faith as a bona fide purchaser, relying upon the documents i.e. Aadhaar card, PAN etc. and even bore expenses towards the stamp duty. However, later on, it was revealed that the so-called seller(s) was an imposter and the property in question actually belongs to the complainant. Thus, the petitioner himself is a real victim, having been cheated of his hard earned money by a criminal gang operating in collusion

with certain HUDA and revenue officials who facilitated the fraudulent registration. Furthermore, there is delay of nearly 04 months in lodging the FIR which casts serious doubt on the narrative of the prosecution. It has been further submitted that the ingredients of Sections 419, 420, 467, 468 and 471 of IPC are not attracted against the petitioner as he has not cheated or impersonated anyone rather he has been cheated through impersonation and forgery. It has been further iterated that the petitioner has already lodged a complaint with the Police against the actual culprits prior to registration of the FIR but no action was taken due to their influence. It has been further submitted that the investigation conducted so far is neither fair nor impartial, having shielded the real offender(s). It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, the present case discloses a clear offence of forgery, cheating and impersonation in respect of plot in question. The sale-deed dated 14.05.2024 was executed in favour of the petitioner on the basis of forged documents, including fabricated Aadhaar card, PAN, signatures and impersonated appearance of the complainant, who is a 74 years old aged senior citizen. She has

categorically denied the selling or transferring the plot in question and has produced her original documents in support thereof. According to learned State counsel, the investigation conducted so far has revealed the involvement of multiple persons, including the petitioner, in furtherance of a criminal conspiracy and the matter requires a thorough probe. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the complainant and her family. Considering the seriousness of the allegations, the custodial interrogation of the petitioner is necessary to unearth the broader conspiracy, if any. Granting bail at this stage may set a wrong precedent in cases involving impersonation and forgery. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to unravel the larger conspiracy and trace the flow of funds.

4.1. Learned counsel for the complainant while raising submission in tandem with the learned State counsel, has iterated that the petitioner, in connivance with other accused persons, got executed a fraudulent sale-deed dated 14.05.2024 by using forged Aadhaar card, PAN card and fabricated signatures of the complainant. It has been further submitted that the cheque referred to in the sale-deed was never credited to the account of the complainant and the petitioner is actively complicit with the officials of HUDA and revenue authorities. Thus, the entire transaction is a product of forgery, impersonation and fraud. On the basis of these submissions, the dismissal of the instant petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations contained in the FIR cannot be brushed aside as vague or baseless as the record reveals that the complainant is the undisputed lawful owner of the property in question. The sale-deed dated 14.05.2024, executed in favour of the petitioner, has been *prima facie* found to be based on forged and fabricated documents. The plea of the petitioner that he is merely a victim cannot be accepted at this stage. The transaction involves payment of over Rs.1.20 cores, out of which substantial amount was allegedly paid in cash. The petitioner, who claims himself to be an established property dealer, was under an obligation to exercise due diligence before entering into such high value transaction. The plea of innocence is a matter of trial and cannot be a ground for grant of anticipatory bail.

7. Furthermore, the offences alleged are grave in nature, involving cheating, forgery and impersonation. The delay of 04 months in lodging the FIR is only on account of the fact that the fraud came to the knowledge of the complainant subsequently. The allegations, if found to be true, reflect a deliberate attempt to mislead and defraud the complainant thereby causing wrongful loss to her. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. A perusal of the FIR reveals that the complainant was defrauded by executing a fraudulent sale-deed and the offence of this nature is serious and involves a larger conspiracy for which custodial interrogation of the petitioner may be necessary to ascertain the chain of events, the role of revenue/registry officials and the whereabouts of the funds transferred. In the considered opinion of this Court, granting anticipatory bail at this stage may likely hamper the ongoing investigation. Fraud of this nature often comes to light only when discrepancies are noticed upon subsequent verification. Furthermore, these fraudulent activities caused severe financial and emotional distress to the complainant, who is a 74 years old senior citizen. Therefore, individuals involved in such organized deceit must be dealt firmly and in accordance with the law, leaving no room for leniency.

9. Moreover, considering the large financial implications as also the possibility of involvement of multiple persons including officials of HUDA and revenue authorities and to establish the broader conspiracy, if any, behind the occurrence as also the role of the petitioner, it is not appropriate to grant bail at this nascent stage. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner alongwith co-accused and in pursuance of their criminal conspiracy, prepared a forged and fabricated sale-deed of the plot in question and got executed the same which caused severe financial and emotional distress to her. The alleged forged sale-deed stands in the favour of the

petitioner and his defence of being a victim cannot be adjudicated at this stage.

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

> *"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 responsible police officers would conduct themselves in task of disintering offences would not conduct themselves as offenders."*

11. In view of the gravity of the allegations, the specific role attributed to the petitioner and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

12. In view of the prevenient ratiocination, it is ordained thus:

(i) The instant petition is devoid of merits and is hereby dismissed.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 10, 2025
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No