



CRM-M-53230-2025

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**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-53230-2025****Date of Decision: 22.09.2025****KRISHAN KUMAR**

..... Petitioner

*Versus***STATE OF HARYANA**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Tushar Gautam, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail in case FIR No.231, dated 07.08.2025, registered at Police Station Sector 9-A, District Gurugram (Annexure P-1), under Sections 420 and 120-B of IPC, 1860.

2. Notice of motion.

3. Mr. Ramesh Kumar Ambavta, DAG, Haryana accepts notice on behalf of the respondent-State. Both the parties have been heard and material on file has been perused.

4. The present case was registered on the basis of statement given to the police by one Diwakar Parsad with the allegations that he had approached Krishan Kumar (petitioner) and Sonu, who are property dealers for purchasing a plot and they had shown him a plot measuring 200 sq. Yard owned by one Bharat Bhusan. Thereafter, he paid a sum of Rs.1,07,00,000/- in all, out of which Rs.6,60,000/- was paid to the petitioner and amount was given by way of bank transactions to the owner namely Bharat Bhushan and thereafter, sale-deed dated 18.06.2024 was got executed. However, possession was not delivered to him and as such, he stopped the payment of balance amount of Rs.20 lakh and later on, he came to know that plot in



question is owned by one Shamsher Singh and not by the vender namely Bharat Bhushan and in this manner, he has been cheated of a huge sum of money.

5. Learned counsel for the petitioner contended that petitioner is not a beneficiary and had only got the deal finalized. No amount has been received by him. He is ready to join the investigation. Nothing is to be recovered from his possession and he may be extended the benefit of anticipatory bail.

6. On the other hand, learned State counsel assisted by ASI Dharminder Singh has opposed the bail and argued that a sum of Rs.6,60,000/- has been paid to the petitioner and he is the main person who had facilitated the execution of the sale-deed knowing fully well that plot in question is not owned by the vendor namely Bharat Bhusan and they all conspired together in committing the crime. Learned State counsel contended that custodial interrogation of the petitioner is essential to elicit the *modus operandi* adopted by the accused while committing the crime and he does not deserve the concession of anticipatory bail.

7. It is well settled that the power to grant anticipatory bail is of extra-ordinary nature and is to be sparingly used with circumspection. This court is fortified by the observations made in case of 2022 (4) RCR (Criminal) 968 titled as "***Sachin @ Sachin Ahuja Vs. State of Punjab***". In case of SLP (Crl.) 7940 2023 titled as "***Shri Kant Upadhay Vs. State of Bihar***", Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in

exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

8. In the present case, the allegations against the petitioner are serious in nature. Complainant has been duped of a sum of Rs.1,07,00,000/- on the pretext of sale of a plot. The sale-deed of plot has also been executed in favour of the wife of the complainant by Bharat Bhushan who claimed to be the owner but infact, he was not owner of the plot. A sum of Rs.6,60,000/- has also been paid to the petitioner and all this shows the complicity of the petitioner in committing the crime alongwith co-accused Sonu and alleged vendor Bharat Bhushan. The custodial interrogation of the petitioner is, thus, essential to further investigate the case and to elicit the *modus operandi* adopted by the accused in committing the crime and grant of anticipatory bail will rather hamper the investigation. Moreover, petitioner is not likely to answer the questions in the right earnest in case, he is interrogated under the protective umbrella of the order of ad-interim protection that may be passed by this Court. No doubt, nothing is to be recovered from his possession but the gravity of the offence too is an important factor which has to be taken into consideration while granting anticipatory bail.

9. Resultantly, this Court is of the considered opinion that petitioner does not deserve the concession of anticipatory bail and accordingly, the application at hand is dismissed.

(YASHVIR SINGH RATHOR)
JUDGE

22.09.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No