



**105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.54901 of 2025
Date of Decision: 15.10.2025**

Balbir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Dr. Pankaj Nanhera, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.503, dated 05.08.2024, under Sections 120-B, 419, 420, 467, 468 and 471 of Indian Penal Code, 1860, registered at Police Station Ballabgarh City, District Faridabad, Haryana. Further prayer has been made for the grant of interim bail to the petitioner during the pendency of the present petition.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Joginder Pal Babbar. It was alleged that brother of the complainant, namely, Mangat Lal Babbar had purchased a property, i.e. Plot No.15-16, Block E1, Sector 11, Faridabad from P. Shankar on 06.12.1985. It was alleged that Mangat Lal Babbar paid a consideration amount of Rs.1,24,820/- to P. Shankar. It was alleged that elder brother of the complainant, namely, Mangat Lal Babbar sold the said property to the complainant on 09.02.1989 for a consideration amount of Rs.1,87,250/-



and all the documents were transferred in his name and thus, the complainant was the sole owner of the abovesaid plot. It was alleged that father of the complainant died on 11.01.1986 and his brother, namely, Mangat Lal Babbar died on 16.08.1990. On the death of his father and brother, the complainant went in depression and thus, was unable to take care of the property. Thereafter the complainant went to the Municipal Council office, Faridabad to obtain the property ID and then, he discovered that the ID was already in someone else name. The complainant obtained a certified copy from the Sub Registrar's office, Ballabgarh, which revealed that Sunaina Mishra, Anand Mishra and others had conspired to create forged and false documents and fraudulently transferred his property in the name of Sunaina Mishra through Will No.1993, dated 09.06.2023 and thus, committed a fraud. The complainant discovered that P. Shankar had already expired on 26.11.2015 and despite that, a fake Power of Attorney was made in favour of Sunaina Mishra 10 months after the death of P. Shankar. It was found in Column No.17 of the sale deed that P. Shankar was still alive. The complainant thus prayed to take legal action against the accused, who conspired to usurp his property by committed fraud with him. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Apprehending his arrest, the petitioner approached the Court of learned Additional District & Sessions Judge, Faridabad praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned



Additional District & Sessions Judge, Faridabad declined the bail application filed by the petitioner vide order dated 15.09.2025. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case without there being any evidence against him. He has submitted that the FIR has been registered on the basis of the complaint made by the complainant, namely, Joginder Pal Babbar, however, during the investigation, the Investigating Agencies found the documents produced before it to be forged and fabricated and thus, made the complainant, namely, Joginder Pal Babbar as an accused, who has already been released on anticipatory bail by this Court vide order dated 27.01.2025 passed in CRM-M-4254-2025. He has submitted that the allegations against the petitioner are to the effect that he transferred the property to one Sunaina Mishra by way of sale deed No.1993, dated 09.06.2023 being GPA holder of P. Shankar. He has further submitted that the version of the complainant had already been found false and he has already been released on bail. He has submitted that there is a delay of 04 months in registering the FIR. He has submitted that from the perusal of the allegations made, it is evident that the dispute, if at all, is purely of a civil nature, which has been given a colour of criminal nature only in order to harass the petitioner. He has submitted that no prima facie case, as alleged against the petitioner, is made out and thus, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. Mr. Sumit Jain, Addl. A.G., Haryana, appears and accepts notice on behalf of the respondent-State. He, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been prima facie established during the investigation conducted so far. He has submitted that P. Shankar had already died and despite his death, the property has been transferred on the basis of the forged documents. He has submitted that as per the inquiry conducted, neither P. Shankar nor Mangat Lal Babbar had acquired any legal right, title or interest on the plot bearing No.15-16. He has submitted that the complainant himself could not claim to be the owner of the property in question. He has submitted that the case is not of a civil nature and the petitioner along with the co-accused have conspired to usurp the property in question on the basis of forgery committed. He has thus submitted that the case is under investigation and granting bail to the petitioner would scuttle the ongoing investigation and thus, the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. On the analysis of the arguments advanced and the record perused, it is transpired that the complainant, who has lodged the FIR, was himself found to be an accused. P. Shankar, who was the original owner had not been heard alive and he has been said to have died earlier. The documents produced during the inquiry conducted so far has been prima facie found to be false and fabricated. The petitioner, namely,

Balbir Singh, without taking the original sale deed from the original owner, namely, P. Shankar had got executed the same in his own name vide GPA No.1118, dated 22.09.2016, in lieu of Rs.6.80 Crores. No record of this GPA found available and in the absence of the original owner, namely, P. Shankar, the GPA holder, Balbir Singh, i.e. the petitioner, had sold the said plot to Sunaina Mishra vide registered sale deed No.1993, dated 09.06.2023, while showing that P. Shankar is alive.

8. From the facts and circumstances of the case, this Court finds that the case requires a thorough investigation to unravel the mystery.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*



- (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead*



to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

15.10.2025

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

(RAJESH BHARDWAJ)
JUDGE