IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102 CRM-M-56368-2025

Date of decision: 03.11.2025

Mahender Singh

....Petitioner

V/s

State of Haryana and others

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Ms. Dheerja, Advocate as Legal Aid Counsel for the respondent Nos.2 to 5.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.263 dated 19.09.2025, registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 120-B of IPC at Police Station Julana, District Jind.

2. The gravamen of the FIR in question pertains to defrauding the complainants namely Kamal son of Dharambir Singh, Pale Ram son of Rohtash, Jagbir son of Nafe Singh and Zile Singh son of Chandgri Ram, all residents of village Karontha, District Rohtak. It was alleged by the complainants that one Ranbir Singh, a property dealer from their village told them that a person namely Sudhir Kumar son of Ram Singh was also related to their village. The said Ranbir Singh introduced the complainants to said Sudhir Kumar as they were interested in buying some land. The said Sudhir

Kumar apprised the complainants that he knew several people involved in property dealing and introduced them to Rakesh Kumar son of Satbir from village Karsola, District Jind. Thereafter, Rakesh Kumar told the complainants that Mahender (petitioner herein) owned land in village Killazafargarh and wanted to sell it. Subsequently, the complainants met Mahender (petitioner herein), who showed them documents claiming that he was the owner of 46 Kanals 8 Marlas of land in village Killazafargarh, Tehsil Julana, District Jind. The petitioner alleged that the land was in his name under an agreement to sell, but in reality, the said land actually belonged to Sandeep, Ravi, and Hoshiari. Thereafter the petitioner namely Mahender, prepared an agreement to sell dated 08.01.2024 in the presence of Sudhir Kumar and Rakesh Kumar and received a sum of ₹18.00 lacs in cash and ₹40 lakh by cheque i.e. a total of ₹58 lakh. The execution of the sale-deed was fixed on 30.09.2024. When the complainants later asked Mahender, Rakesh and Sudhir to register the sale-deed, they kept delaying the same on one pretext or the other. On checking the land records, the complainants discovered that the actual owners of the said land were Sandeep, Ravi and Hoshiari, who had already sold the said land to someone else. It was also found that Hoshiari was the aunt of Mahender (father's sister) and Sandeep had been cultivating the land belonging to Ravi and Hoshiari. In this way, the petitioner namely Mahender alongwith Rakesh and Sudhir, cheated the complainants for a sum of ₹58 lakh by showing the fake documents and creating a false agreement to sell. When the complainants demanded their money back, the accused refused, misbehaved with them and threatened to kill them. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has entered into an agreement to sell the land in question on behalf of his aunt (i.e. bua) namely Smt. Hoshiari Devi, who is the actual owner of the land in question and that the complainants were fully aware of this fact at the time of execution of the agreement dated 08.01.2024. Learned counsel has further contended that the said Smt. Hoshiari Devi subsequently sold the land to some other buyer who offered a higher sale consideration and the petitioner has no control over this transaction. Learned counsel has further submitted that despite this fact the petitioner has already refunded substantial amounts to the complainants i.e. ₹25.00 lacs in cash on two occasions in the presence of witnesses, ₹9.65 lacs through the value of buffaloes and ₹5.00 lacs via RTGS transfer. Learned counsel has further contended that the present FIR has been lodged after more than one year of the alleged transaction and only after the complainants have already received ₹40,00,000/- from the petitioner. According to learned counsel, the same has been done with an ulterior motive to harass, blackmail and extort more money from the petitioner. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. Furthermore, no recovery is to be effected from the petitioner and that he is willing to cooperate with the investigation. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra,* learned State counsel has opposed the petition by arguing that the allegations raised against the petitioner are grave and serious in nature. Learned State counsel has further iterated that the petitioner, in connivance with co-accused Rakesh Kumar and Sudhir Kumar, prepared a forged agreement to sell dated 08.01.2024 in respect of land measuring 46 Kanals 8 Marlas situated in village Killazafargarh, Tehsil Julana, District Jind. According to learned State counsel, the petitioner has misrepresented himself as the owner of the said land and obtained ₹18 lacs in cash and ₹40 lacs through cheque i.e. total sum of ₹58 lacs from the complainants. Subsequently, when the complainants approached the petitioner for execution of the sale deed, they discovered that the land actually belonged to Sandeep, Ravi, and Hoshiari Devi, and has already been sold to third parties. Furthermore, the agreement to sell was fabricated to deceive the complainants and to extract a huge amount of money. The petitioner, being related to one of the original owners, exploited that relationship to gain the confidence of the complainant. It has been further submitted that the allegations reveal a systematic act of cheating and forgery involving multiple persons. It has been further submitted that the custodial interrogation of the petitioner is necessary to trace the flow of money, identify forged documents, and ascertain the role of co-accused. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by raising submissions in tandem with the learned State counsel.

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

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* reflects that allegations in the present case are of cheating to the tune of Rs.58.00 lacs/- received from the complainants by showing the fake documents and creating a false agreement to sell. The material on record *prima facie* reveals that the petitioner represented himself as the owner of the land and executed an agreement to sell in his own name. The FIR specifically alleges that the petitioner received substantial consideration from the complainants under the false pretenses and avoided execution of the sale deed. Subsequent inquiry by the complainants revealed that the land in question did not belong to the petitioner, but to his aunt and others who have already sold the same to third party(s). The defence projected by the petitioner that he executed the agreement merely on behalf of his aunt but does not dilute the seriousness of the allegations at this stage. The same is a matter of evidence, which can be examined during the course of trial. Furthermore, if the petitioner was merely acting as an agent, the same should have been specifically reflected in the agreement to sell which, as per the record, shows the petitioner himself as a vendor. The material which has come on record discloses that the allegations against the petitioner are not vague or general but are specific, supported by details of payments.

8. The contention that the petitioner refunded certain amount(s) cannot be conclusively accepted at this stage in the absence of corroborative documentary evidence. The alleged repayment through cash and livestock etc. appears doubtful and requires thorough investigation. The allegations

involve not only cheating but also forgery, fabrication of documents and criminal conspiracy, which are serious in nature. The magnitude of the alleged fraud (i.e. ₹58 lacs) and the manner in which the complainants were deceived clearly indicate a well-planned conspiracy. The investigation is at a crucial stage and the custodial interrogation of the petitioner appears necessary to recover the forged documents, identify accomplices and trace the money trail. In the considered opinion of this Court, the grant anticipatory bail at this nascent stage may likely to hamper the investigation. The delay in registration of the FIR, by itself, does not discredit the case of the prosecution case, particularly when the complainants discovered the fraud only upon verification of land records.

9. A perusal of the FIR reveals that the complainants were 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 and the role of other co-accused. 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 have caused severe financial and emotional distress to the complainants. Therefore, individuals involved in such organized deceit must be dealt firmly and in accordance with the law, leaving no room for leniency.

10. Moreover, considering the large financial implications as also the possibility of involvement of multiple persons 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 complainants have categorically stated that the petitioner alongwith co-accused and in pursuance of their criminal conspiracy, prepared a forged and fabricated sale-deed of the land in question which has caused severe financial and emotional distress to them.

11. 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."

12. 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.

13. 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

November 03, 2025
Ajay

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