

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-59679-2024  
Reserved on: 10.03.2025  
Pronounced on: 20.03.2025

Vinod Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Prashant Singh Chauhan, Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Jainainder Saini, Advocate and  
Ms. Shilpa Saini, Advocate  
for the complainant.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                   | Sections    |
|---------|------------|----------------------------------|-------------|
| 149     | 29.07.2024 | Rewari Sadar,<br>District Rewari | 406/420 IPC |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 26 of the bail application and per paragraph 7 of the status report dated 04.03.2025 filed by the State, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offenses                        | Police Station |
|---------|---------|------------|---------------------------------|----------------|
| 1       | 220     | 11.10.2020 | 323/506/34 IPC                  | Rampura        |
| 2       | 93      | 13.05.2021 | 147/149/188/323/427/452/506 IPC | Rampura        |

3. The facts and allegations are being taken from the translated version of FIR, Annexure P-1, which reads as follows:

*“To the Superintendent of Police, District Police, Rewari.  
Subject: Regarding cheating of plot and money. Sir it is submitted that I, Gyarsilal No. 452/RWR, am posted at Police Line as EHC. In the year 2015, I had purchased a plot measuring 133 square gaj, from Vinod, s/o Omprakash, r/o Bagadwa, Tehsil & District Rewari (BahadRaqba, Naya Gaon Daulat Pur, in front of Sun City). I had paid a total sum of Rs15,29,500 (Rs11,500 pr square gaj) to Vinod in the presence*

*of Ramesh S/O Rameshwer R/O Uttam Nagar Rewari and Rajkumar S/O Kishori Lal R/O RatakalanMahendergarh. And Vinod gave me a full payment agreement in writing. Now I went at tehsil office for registering the above said agreement then there patwari informed me that no name is registered under the name of above said Vinod and this agreement is false. On 14/02/2022 Vinod had taken away Rs2,00,000 with a promise to repay the same within a period one month in the presence of Yogesh R/O Khalirpuri and Surender S/O Sh. Jaikaran R/O Fideri. And now neither he is returning my money nor he is getting the agreement registered. Regarding this I have given a complaint in your office bearing serial number 272 PSP dated 22/2/2024. Investigation of which was initiated by Pawan Kumar which is biased and in the favour of one party the point wise details are as follows: 1. in the investigation DSP has told that there is construction of a boundary wall on the plot whereas, there is no boundary wall there. 2. 133 Gaj plot which I, had purchased which was shown and demarcated. Is the registry of the same in the name of above said Vinod, it be verified by the Halka patwari? If not then legal action under section 420 of IPC be taken against Vinod. 3. I and Vinod Kumar were never made sit with each other. Nor the witnesses were called for interrogation in the presence of whome I had paid a sum of Rs.2,00,000/- to Vinod. 4. Within a period of around three months I, had gone at DSP Office at around three times and I told him to solve my grievance. All the time I was given an assurance that not to worry and I will receive my money back or I will get the land/plot. Therefore, Sir, It is requested from you that a neutral investigation be done. It would be very kind of you. Complainant Gyarsi Lal no. 452/RWR police line Rewari dated 6/6/2024 Mobile no. 9416XXXXX.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions. Counsel for the petitioner submits that dispute is regarding agreement to sell dated 17.03.2015 for which complainant may avail legal remedy by filing civil suit and refer to page no.8 of reply filed by complainant which reads as follows:

*“As per the terms of agreement it is agreed that if I did not get the land registered in the name of the buyer then in that eventuality the buyer will have a right to get the sale deed registered by way of Court case. In case, till the date of registration, if the buyer refuses to get the Sale Deed executed then the earnest money of the buyer shall be forfeited.”*

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report dated 04.03.2025, which read as follows:

*“6. That the allegations against the petitioner are serious and specific. It had surfaced on record that the petitioner had executed an agreement to sell with respect to a land which never vested in his name and had received a huge consideration of Rs.15,29,500/- in lieu of the same.”*

REASONING:

7. Perusal of the pleading reflects that dispute revolves around agreement to sell and allegations against the petitioner are that he was not the owner of that land for which he executed agreement which is a question of evidence.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the

investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

**16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

20.03.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.