

2025:PHHC:007341



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

317

CRM-M No.61553 of 2024
Date of decision: 15.01.2025

Prit Pal alias Preet Pal and another ... Petitioners

Vs.

State of Haryana and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bhupinder Kumar Gupta, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Dinesh Kumar Prajapati, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
273	01.08.2024	Faridabad Central, District Faridabad	120-B, 420, 467, 468 and 471 of IPC

2. As per the prosecution case, the complainant Gautam Anand

2025:PHHC:007341



lodged a written complaint before the police on the allegations that his grandfather Sh. Jiwan Das Kathuria had purchased a residential property bearing No.3F-124 situated at NIT Faridabad on 22.09.1961 under Scheme Compensation Rehabilitation Act, 1954 from the Ministry of Rehabilitation. After the death of his grandfather, he along with other legal representatives had inherited ownership of this property. Shortly before lodging of the complaint, they had tried to deposit municipal tax with the Municipal Corporation, Faridabad qua the above named property and then it was revealed that the name of the present petitioner No.1 and his father Narendra Singh petitioner No.2 was appearing in the column of ownership of the above property, in the online record of the Municipal Corporation instead of name of the grandfather of the complainant though his grandfather and then his family members had shifted in this property since purchase of the same and had been making payment of electricity bills, water sewer bills etc. While alleging that a fraud had been committed, the complainant prayed for taking action in the matter.

3. As further alleged, a case under the aforementioned sections was registered. In a complaint received from economic wing, inquiry was conducted. The petitioner No.1 Prit Pal @ Preet Pal was joined into that inquiry. He claimed that the property in dispute was purchased by his grandfather in the name of his father i.e. petitioner No.2 by a conveyance deed No.1287 dated 28.09.1963 and further that since grandfather of the

2025:PHHC:007341



complainant and his own grandfather were friends, therefore, it had been given by his grandfather to the grandfather of the complainant for residential purposes. On making further inquiry, it was revealed that conveyance deed No.1287 dated 28.09.1963 had not been registered in the name of petitioner No.2 rather conveyance deed of the above number was registered in the office of concerned Sub Registrar in the name of some other person. It was also revealed that the barcode Number affixed on the original conveyance deed No.1287 dated 28.09.1963 had been removed and was placed on the file containing the documents of the petitioner by tampering with the same and replacing from the original file to the forged documents. The same property was subsequently transferred by petitioner No.2 in favour of petitioner No.1 on the basis of forged conveyance deed dated 28.09.1963. Investigation proceedings are still underway. Apprehending their arrest, the petitioners filed application for grant of interim bail which has been dismissed by the Court of learned Additional Sessions Judge, Faridabad vide order dated 08.10.2024.

4. It is argued by learned counsel for the petitioners that they are falsely implicated in this case. The petitioner No.2 was owner in possession of the property in question and he has validly transferred the same in favour of the petitioner No.1. The conveyance deed dated 28.09.1963 is not a forged document. The dispute between the parties is of civil nature. Civil litigation is pending. Custodial interrogation of the

2025:PHHC:007341



petitioners is not at all required. They joined inquiry initiated by the Economic Offence Wing and are still ready to join the investigation. No recovery is to be effected from them. The case is based on documentary evidence. The ingredients for commission of offences of cheating and forgery are not made out against them at all. Therefore, it is urged that they deserve to be extended benefit of pre arrest bail.

5. Status report has been filed by the respondent-State. The complainant has also placed on record documents Annexures R-2/1 to R-2/10 showing that his grandfather, mother and he himself had always been resident of the property in question and electricity bills, voter identity card and telephone bills, driving licence etc. relating to them had been showing the same address. He has also placed on record Annexure R-2/11 copy of FIR No.254 dated 16.09.2024 showing that one more criminal case has been registered against the petitioner No.1 on complaint of one Rohit Kathuria. It is argued by learned Assistant Advocate General, Haryana assisted by learned counsel for respondent No.2 that the petitioners in connivance with each other and some revenue officials forged the record regarding ownership of the property which was actually owned and possessed by grandfather of the complainant and then inherited by his legal heirs after his death and also managed to change the entries regarding ownership of this property in the record of the Municipal Council and in this manner, they not only cheated the

2025:PHHC:007341



complainant and the Municipal Council but also committed offences of forgery. It is submitted that the custodial interrogation of the petitioners is must for the purpose of going to the root of the case to elicit information about the manner in which the conspiracy was hatched by them and also to know about the names of the co-accused involved with them. It is also argued that no extraordinary and exceptional circumstance has been made out for granting benefit of pre arrest bail to the petitioners and accordingly, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. On perusal of the contents of the status report, it is clear that the petitioners in connivance with each other and probably with some officials of the office of Sub Registrar and by preparing false documents/forging record, got registered a conveyance deed qua the property in question firstly in the name of the petitioner No.2 who subsequently transferred the same in favour of the petitioner No.1. It is prima facie revealed that they did so in order to usurp the property belonging to the grandfather of the complainant and inherited by him and other legal heirs of his grandfather by tampering with documents. The case is still at its nascent stage. In the opinion of this Court, for conducting thorough investigation, effective interrogation of the

2025:PHHC:007341



petitioners is going to be of tremendous advantage as it would disinter many useful informations which would have been concealed. The offences alleged to be committed by the petitioners are not just offences against an individual but the larger societal interest is at stake. The allegations against the petitioners are grave in nature. It is well settled proposition of law that nature and gravity of the offences is to be kept in mind while granting/refusing anticipatory bail and no straightjacket formula can be applied for that purpose. Moreso, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I

2025:PHHC:007341



am of the considered opinion that the petition does not deserve to be
allowed. Accordingly, the same is dismissed.

15.01.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No