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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62866-2025

Date of decision : 02.12.2025

LAXMAN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner

Ms. Himani Arora, DAG, Haryana

Mr. Tarun Dhingra, Advocate for the complainant

MANISHA BATRA, J.

1. The instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of anticipatory bail in case arising out of FIR No.84, dated 27.06.2025 under Sections 417, 420 and 120B of IPC at Police Station Tigaon, District Faridabad, Haryana.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant-Jasmine Jadon, on the allegations that the present petitioner was introduced to her by accused-Chhote Lal Yadav alias Doctor, who had told the complainant that the present petitioner alongwith him was engaged in the business of sale and purchase of properties under the name of M/s. SPR City Residency Private Limited (for short 'M/s. SPR') and in connivance with the co-

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accused-Chhote Lal Yadav had induced her husband and the petitioner to purchase a plot at Faridabad for a sum of Rs.1 Crore for the purpose of constructing a yoga centre. A written agreement was executed between the M/s. SPR and the complainant as on 20.05.2024 and the petitioner signed the said agreement in the capacity of Director as well as representative of M/s. SPR. An amount of Rs.10 lakhs was given to the petitioner by the complainant in the presence of accused-Chhote Lal Yadav, who stood as an attesting witness to the said agreement. Subsequently, on asking of the petitioner, complainant also transferred an amount of Rs.60 lakhs in his bank account. However, no sale deed was got registered in her favour and the petitioner as well as co-accused started putting off the matter on one pretext or the other. On making inquiries, the complainant came to know that the petitioner did not own the entire land which was agreed to be sold to the complainant. When contacted, the petitioner and the co-accused failed to return the money of the complainant and rather started extending threats to her. As such, she prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are under-way. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the learned Additional Sessions Judge, Faridabad vide order dated 01.11.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, he owns 03 kanals 11 marls of the land forming part of the land which is subject matter of the

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agreement executed between the parties, on the basis of registered sale deed dated 08.07.2013. The dispute between the parties is of civil nature, which has been given a criminal colour. He has already refunded an amount of Rs.22 lakhs to the complainant. It was on account of some miscommunication or misunderstanding that the correct measurement of the land was not mentioned in the agreement to sell and there was no dishonest intention on the part of the petitioner. He is ready to join the investigation. His custodial interrogation is not required. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State Counsel assisted by learned counsel for the complainant has vehemently argued that the allegations against the petitioner are serious and specific in nature. An amount of Rs.60 lakhs was transferred in his bank account by way of RTGS and an amount of Rs.10 lakhs was given in cash. The petitioner had falsely represented himself to be owner of the land qua which the agreement had been executed. Even the cheques given by him to the complainant have been dishonoured. He is avoiding appearance before the Investigating Agency with a mala fide intention. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. No exceptional or extra-ordinary circumstance for grant of anticipatory bail is made out. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for both the parties at considerable length.



7. The petitioner in connivance with the co-accused is alleged to have induced the complainant to part with a sum of Rs.70 lakhs on the premise of sale of some property in her favour, though, the petitioner was in fact not the owner of the entire property which was subject matter of the said agreement. The allegations *prima facie* make out a case for commission of offence of cheating as against the petitioner. He was the master-mind of the crime. The case is at its nascent stage. For conducting deeper and thorough probe in the matter, custodial interrogation of the petitioner is required. The allegations *prima facie* reveals a case for commission of offence of hatching criminal conspiracy to cheat the complainant and cause wrongful loss to the complainant. Simply because a civil remedy is simultaneously available, it cannot be stated that the dispute between the parties is of a civil nature and no case for commission of offence of cheating is made out. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is also well settled that 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 am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



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8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

02.12.2025
Amit Sharma

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