



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.63231 of 2025
Date of decision: 01.12.2025

Dilbag Singh ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. R.K. Hooda, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Mohit Sharma, Advocate,
for the complainant..

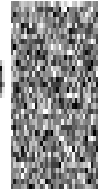
MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner 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
302	15.08.2025	Rajendra Park Gurugram, District Gurugram	420 and 120-B of IPC

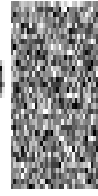
2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint jointly filed by Raj Kumar son of Ram Kishan, Harinder Kumar son of

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Mange Ram and Rajiv Kumar son of Jaibir alleging therein that the petitioner along with his two sons namely, Yogesh and Mohit had contacted them and by representing them to be co-owners of half share in 12 Kanals of land situated within the revenue estate of Village Mankarola, Sub Tehsil Hursaru, District Gurugram, had offered to sell the same to them. They also assured that the proposed land was free from any encumbrances. Believing the petitioner and his sons, a deal was struck for purchase of land shown to be owned by the petitioner and his sons. A written agreement was executed. An amount of Rs.95 lakhs had been given by the victims as earnest money to the petitioner and the co-accused on 23.10.2023. The sale deed was to be executed on 01.03.2024. On 20.02.2024, when the victims asked the petitioner to handover the documents as to ownership of the land to be purchased, he started making excuses. The victims contacted the revenue Patwari and came to know that the petitioner had taken loan to the tune of Rs.23,19,000/- from Sarva Haryana Gramin Bank by mortgaging the abovesaid property. The victims asked him to bring NOC from the bank but he did not do so and demanded a sum of Rs.25 lakhs for repayment of the loan amount taken from the bank and assured to bring NOC. The said amount of money was given by way of cheque as well as cash by the victims and it was agreed that the sale deed would be executed on 23.01.2025. However, subsequently, the victims came to know that the petitioner in connivance with his sons, had already sold the same property to some other persons

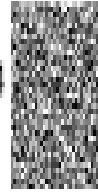
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and had even duped one Krishan Kumar of a sum of Rs.53 lakhs on the premise of sale of the same property. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Gurugram vide order dated 31.10.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, he had received only an amount of Rs.81 lakhs from the victims. The total sale consideration amount was agreed to be Rs.1,22,00,000/-. The victims failed to appear before the office of Sub Registrar on 01.03.2024 to pay the remaining amount and get the sale deed registered though the petitioner had remained present there and had even got prepared an affidavit which was attested by notary. The earnest money was forfeited as per the terms of the agreement. The victims manipulated and tampered with the sale agreement by inserting false and forged signatures of the petitioner and by showing payment of total sale consideration amount of Rs.1,22,00,000/- though they did not paid the same. They even forged signatures of Yogesh and Mohit sons of the petitioner on some false and fabricated receipts and in subsequent parts of the written agreement. The dispute between the parties is of civil nature which has been given criminal colour. No case for commission of offences of cheating has been made out against him. He is ready to join the investigation. His custodial

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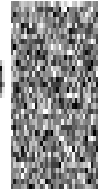
interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

4. Status report by the respondent-State and reply by the complainant have been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner and the ingredients for commission of the offence of cheating are clearly established as not only the fact that the property in question was already lying mortgaged, had been concealed by the petitioner but he also took money from the other persons for sale of the same property during the existence of the agreement to sell in favour of the victims which shows his dishonest intention. It is also argued that proper and thorough investigation is required to be conducted in the matter. No exceptional or extraordinary circumstance for grant of bail is made out. It is, hence, urged that the petition is liable to be dismissed.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the co-accused is alleged to have caused wrongful loss to the tune of Rs.1,22,00,000/- to the complainants/victims by agreeing to sell his property in their favour and while concealing the fact that it was not free from encumbrances. Not even this, he is also alleged to have entered into an agreement with regard to sale of the same property in favour of some third person before execution of sale deed in favour of the victims. There are specific

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allegations against the petitioner which make out a prima facie case for commission of offence punishable under Section 420 of IPC as against the petitioner. A thorough and deeper probe is required to be conducted in the matter and for that purpose, the custodial interrogation of the petitioner is must. It is well settled proposition of law that 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 judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an 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. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

01.12.2025
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(MANISHA BATRA)
JUDGE

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