



111 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-64680-2025
Date of decision: 17.11.2025

PARVEEN KUMAR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Kartar Singh Malik, Advocate for the petitioner.
 Mr. Karan Veer Singh, Senior DAG, Haryana.
 Mr. Jaskaranjeet Singh Sibia, Advocate for the complainant.

SUBHAS MEHLA, J. (ORAL)

1. Present petition is filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.0496 dated 21.10.2025 under Sections 120-B, 420, 467, 468, 471 of Indian Penal Code, 1860 registered at Police Station Palam Vihar, District Gurugram.
2. Brief facts of the prosecution are that complainant Alka Mohan stated in the complaint to the effect that she is a co-owner of a commercial property in Palam Corporate Plaza, Palam Vihar. It was stated that property was allotted to her and her son on 25.02.2008 by Ansal Properties and Infrastructure Ltd. for a total sale consideration of Rs.40,57,500/-. The allotment letter categorically records the address of the commercial shop and electricity meter was also installed at the property in the name of the complainant. On 26.05.2025, when complainant visited the property, she was shocked to see that property has been illegally occupied by some unknown persons, who are illegally operating Spa centre on the property. When the



complainant tried to question the unknown persons available at the property regarding the source of their ownership and possession, the complainant was pushed out of the property and was abused and criminally intimidated. Complainant stated that she has never entered into any contractual document with accused persons who were illegally operating Spa centre, after taking illegal possession and after having trespassed into her property. Complainant further alleged that since entire complex in which her commercial unit is situated is managed by Ansal Properties and Infrastructure Ltd., the illegalities could not have taken place without knowledge and collusion of the developer and thus, she imputed *mens rea* and commission of offence on the developer also. Hence, the present FIR was registered.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present FIR; as per the FIR, the date of occurrence was mentioned as 26.05.2025 and the information was received in the police station on 21.10.2025 i.e. after a huge delay, which remains unexplained; the petitioner was *bona fide* purchaser from original allottee Sh. Atma Singh, who was allotted the disputed property vide allotment letter dated 25.02.2008; possession of property was handed over by the builder to petitioner vide letter dated 08.02.2012 (Annexure P-4) and the petitioner is ready to join investigation. As such, learned counsel prayed for anticipatory bail to the petitioner.

4. Upon advance notice, learned State counsel appeared on behalf of respondent-State and opposed the prayer made by the petitioner by submitting that a syndicate is working in the area and five FIRs have already been registered regarding the forged and fictitious claim on the properties of



genuine owners; the petitioner is required for custodial interrogation and the documents submitted by the petitioner were found forged and fabricated by the investigating agency.

5. Learned counsel for the complainant submitted that case of the complainant is that he is the owner of the property and paid the money to the developer, namely, Ansal Builders; even the developer i.e. Ansal Builders has given the certificate to the investigating agency in favour of the complainant stating therein that at no point of time, the property in question is sold to Atma Singh.

6. Heard.

7. Keeping in view the submissions made by learned State counsel and taking into consideration the order passed by learned Additional Sessions Judge, Gurugram that investigating agency has apprehension that multiple shops have been illegally possessed using the same *modus operandi*; during investigation, the petitioner could not produce any documentary evidence of transfer of money to the alleged vender, who as per investigation, is a fictitious person; recovery of documents has to be effected and custodial interrogation of the petitioner is required. Hence, the petitioner is not entitled to the relief of anticipatory bail, in view of law laid down by the Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***' **decided on 03.08.1997**, wherein it has been held as under:-

"....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of 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 a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

8. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.
9. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

November 17, 2025
manisha

(SUBHAS MEHLA)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |