

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

**CRM-M-10809-2026
Date of decision: 25.03.2026**

Ankit

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mohit Dalal, Advocate
for the petitioner.

Ms. Diya Sodhi, Senior DAG, Haryana.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition filed under Section 379 read with Section 528 of BNSS, 2023 is for initiating proceedings under Section 215 of BNSS against the petitioner in CRM-M-63211-2025 as respondent No.2 has intentionally and knowingly has filed a forged sale deed and has suppressed his previous criminal records and the petitioner has obtained the ad-interim anticipatory bail by intentionally concealing the material facts from this Court in case FIR No.306 dated 22.09.2025, under Sections 318(4), 336(3), 338, 340, 351(2) of BNS, 2023.

2. Succinctly facts of the case are that the FIR in the present case has been lodged on the statement of complainant, namely, Ankit (present petitioner) alleging that one plot of 250 sq. yards is adjacent to their plot in village Jhakhoda. In the month of May, 2025, one Manoj came to their plot and told them that said 250 sq. yards plot is available for sale and Ashok Singh (respondent No.2) is owner of said plot. Manoj also told them that he would get the said plot for a sum of Rs. 58,12,500/-.

Thereafter, Manoj called Ashok at their house who showed the registry

and mutation of the said plot and on believing the same, the deal was made and he gave an amount of Rs.1,00,000/- as token money and told that deal would be finalized at the house of Ashok after meeting with his family members. On 24.05.2025, he alongwith his father and maternal aunt's son went at the house of Ashok, where they met wife of Ashok, his son and his daughter-in-law and all told them there is no dispute *qua* the plot and Ashok Singh is owner of the said plot. On believing them, they agreed to give the earnest money. On 26.05.2025 an amount of Rs. 10 lac through RTGS No.YESBR52025052655475175 and amount of Rs.5,00,000/- in cash was given in the presence of Manoj. As per the agreement, the sale deed was to be executed on or before 28.08.2025. Thereafter, Ashok pressurized him to execute the registry by making the remaining payment. Thereafter, he asked his brother Om Parkash to purchase 115 sq. yards of land from the said plot and he agreed to purchase the same. Ashok Singh told them the registry of the said plot is closed and whenever, the registry opens, he will get it registered and Ashok assured to execute Special power of attorney in his favour. On 18.07.2025, he transferred an amount of Rs. 12,95,000/- through RTGS no. YESBR52025071855865227 and on 19.07.2025 an amount of Rs. 10,00,000/- through RTGS no. RRR2002592641171 from the account of his sister-in-law and Rs.9,55,000/- through RTGS no. RRR2002592649401 in the account of Ashok Singh bearing no. 50220013636301 with Bandan Bank, Punjabi Bagh. Delhi and in this way, he paid total amount of Rs. 48,50,000/- to applicant-accused. After taking the possession from Ashok, they started earthing of the said plot. On 24.07.2025, Ashok called them at SDM office, Kapashera, Delhi on the

pretext that he had taken the token to execute the Special Power of Attorney. Thereafter, they reached the place and waited till evening and in the evening, Ashok told them that the Special Power of Attorney could not be executed today but it will be executed on 28.07.2025. On 28.07.2025 as per the statement of Ashok, he alongwith his sister-in-law, father and brother reached at Kapashera, where Ashok Singh alongwith Manoj was present. They assured that they have got the token and after waiting till 3.00 PM, they asked to execute full payment agreement and told them that they would execute the sale deed lateron. Thereafter, Ashok alongwith Manoj came to Bahadurgarh Court in their car and a full payment agreement was executed. When they came out from the court premises, the complainant received a phone call that plot was not owned by Ashok. Thereafter they demanded the original documents from Ashok Singh and Manoj, who assured to provide the original documents. But they did not hand over the original documents and threatened them on phone. On verifying the documents from Tehsil office, the sale deed bearing no. 6 dated 02.06.2020 and mutation no. 3036 in the name of Ashok were found to be forged documents. Ashok conspired with accused Manoj, prepared forged documents and committed cheating with them. On 30.07.2025, he went to the house of Ashok, where he was not found to be present however, his wife was present, who threatened to kill him and to get him involve in false case of rape and also demanded an additional amount of Rs.30,00,000/- to get the sale deed registered. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Apprehending arrest, respondent No.2-Ashok approached the Court of learned Sessions Judge, Jhajjar praying for grant of anticipatory

bail. However, after hearing counsel for both the sides, the same was declined vide order dated 13.10.2025. Thereafter, respondent No.2 approached this Court praying for grant of anticipatory bail, however, this Court has granted ad-interim bail to him vide order dated 11.11.2025 in CRM-M-63211-2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that respondent No.2 is a habitual offender as a number of cases of similar nature are registered against him. He has submitted that respondent No.2-Ashok in connivance with co-accused prepared the sale deed which was declared forged and fabricated by learned District and Sessions Judge, Jhajjar and hence, vide its order dated 13.10.2025, dismissed the anticipatory bail application *qua* respondent No.2-Ashok. He has submitted that respondent No.2, by suppressing the material facts, was granted ad-interim bail by this Court vide order dated 11.11.2025 in CRM-M-63211-2025. He has submitted that the petitioner herein is the real victim of the fraudulent acts committed by respondent No.2. He has relied upon the decision rendered by Hon'ble the Supreme Court in "Chandra Shashi Vs. Anil Kumar Verma, 1995 SCC(1) 421". He has submitted that the allegations against respondent No.2 are serious in nature and thus, prayed that the present petition be allowed and an inquiry against respondent No.2 be made in CRM-M-63211-2025.

4. Learned State counsel has submitted that interim anticipatory bail has already been granted to respondent No.2 in petition bearing CRM-M-63211-2025, which is still pending adjudication before this Court. She has further submitted that the present petition challenging the

said interim order is not maintainable, and the petitioner may raise all contentions in the main petition.

5. For proper adjudication of this case, appreciation of Section 379 BNSS (erstwhile Section 340 Cr.P.C.) is necessary, which read as under:

“379 Procedure in cases mentioned in Section 215.

(1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 215, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,-

- (a) record a finding to that effect;
- (b) make a complaint thereof in writing;
- (c) send it to a Magistrate of the first class having jurisdiction;
- (d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and
- (e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-

section (4) of section 215.

- (3) A complaint made under this section shall be signed,-
- (a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;
 - (b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.
- (4) In this section, "Court" has the same meaning as in section 215.

6. Hon'ble the Supreme Court in “***Iqbal Singh Marwah vs. Meenakshi Marwah***”, (2005) 4 SCC 370 has held that in view of the language used in Section 340 Cr.P.C./379 BNSS, the Court is not bound to make a complaint regarding the commission of an offence referred to in Section 195(1)(b) Cr.P.C./215(1)(b) BNSS as the Section is conditioned by the words 'court is of opinion that it is expedient in the interest of justice'.

7. In view of the submissions made and the fact that interim anticipatory bail has already been granted in the main anticipatory bail petition, which is still pending adjudication, this Court is of the considered opinion that the present petition challenging the interim order, by way of a separate proceeding, is not maintainable at this stage. The petitioner is at liberty to raise all contentions before the Court in the said proceedings.

8. Even otherwise, on the appreciation of facts and circumstances of the case on the anvil of law settled, it is apparent that for the initiation of inquiry under Section 340 Cr.P.C./379 BNSS, the mandatory requirement is whether it is expedient in the interest of justice to initiate the proceedings.

9. The scope of Section 340 Cr.P.C. read with Section 195 Cr.P.C. is limited to offences which are committed in relation to a proceeding in any Court, particularly when such offences are committed after the document has been produced or while it is in custodia legis (custody of the Court).

10. In the present case, there is nothing on record to show that the alleged forgery or fabrication was committed during the pendency of the proceedings or when the document was in the custody of this Court. Therefore, the essential condition for invoking jurisdiction under Section 340 Cr.P.C. is not satisfied.

11. In such circumstances, in the light of law settled, the alleged forgery of documents is not substantiated by any evidence on record and hence, the present petition being devoid of any merit is hereby dismissed.

25.03.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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