



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-11552-2025 (O&M)

Anurag Malhotra ...Petitioner

Versus

State of Haryana and another ...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.02.2026
2	The date when the judgment is pronounced	24.02.2026
3	The date when the judgment is uploaded on the website	24.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Varun Gupta, DAG, Haryana.

Mr. Ajay Ghangas, Advocate
for respondent No. 2.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* ‘BNSS’) seeking cancellation of anticipatory bail granted to respondent No. 2, vide order dated 19.02.2025, passed by the Court of learned Additional Sessions Judge, Gurugram in case arising out of FIR No. 32 dated 03.03.2024,

registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC at Police Station DLF Phase 2, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was got registered by the petitioner against M/s Goldkiest Developers Private Limited and its Directors/office bearers on the allegations that respondent No.2 and co-accused Balwan Singh, Hari Das Gupta, Raj Bala and their associates, in furtherance of a criminal conspiracy hatched with each other, induced him and other innocent buyers to purchase agricultural land/farmhouses by representing that the project was fully approved and by showcasing luxury cars and other representations to gain their confidence. It was alleged that the accused persons showed forged and fabricated approvals and letters to make the complainant believe that all necessary permissions from the competent authorities had been obtained. The complainant further alleged that at the time of execution of the sale deeds, the accused assured provision of passages measuring 11 karam and 7 karam; however, no valid passage existed on the spot and no gift deed (*Hibbanama*) was executed in favour of the Gram Panchayat to reflect the same in the revenue record. It was also alleged that no approval had been obtained from the competent authority for carving out farmhouses and that construction raised by the complainant was demolished by the authorities, causing him huge financial losses. It was further alleged that the accused persons illegally obtained multiple crores of rupees from the complainant and other buyers through deceitful means by misrepresenting the status of the project and by forging documents, including the *Aks-Sizra*

annexed with the sale deeds. After registration of FIR, investigation proceedings were initiated. Apprehending his arrest, respondent No. 2 Rajesh Kumar filed an application before the Court of learned Additional Sessions Judge, Gurugram, which was allowed, vide impugned order dated 19.02.2025, granting him concession of anticipatory bail. The petitioner, who is originally the complainant of this case, has prayed for cancellation of benefit of pre-arrest bail granted to respondent No. 2.

3. It is argued by learned counsel for the petitioner that the Court concerned has gravely erred in not appreciating the active and pivotal role played by respondent No. 2 in the conspiracy to dupe and extort crores of rupees from innocent home buyers including the petitioner. It is argued that respondent No. 2 is a signatory to the sale deed, whereby the largest farm unit measuring 19 kanals was sold for a consideration of ₹1.26 crore, upon which the petitioner paid stamp duty of ₹6.35 lakhs. His direct participation in the execution of the sale deed clearly demonstrates his involvement in the transaction and the alleged fraud. The agricultural land of a very meagre value was sold to *bona fide* purchasers at highly inflated rates on the false pretext that all necessary statutory approvals had been obtained and that a well-developed gated colony with proper roads, trees and basic facilities was being carved out. The petitioner and other buyers were induced to invest their hard-earned money on the assurance that the project was fully compliant with government norms, which later turned out to be false. Learned counsel has further argued that respondent No. 2 played a crucial role in the forging of revenue records, wherein a road was falsely shown as part of the official

record despite no such approved road existing in reality. During the course of investigation, offences of forgery were added and the Director of the company, Balwan Singh, was arrested. It has surfaced during investigation that respondent No. 2 was actively involved in preparation of forged documents and site plans/*Aks-Shijra* to mislead prospective buyers. The custodial interrogation of respondent No.2 was essential to unearth the complete *modus operandi* and identify all persons involved. It is also argued that when the petitioner approached the authorities for CLU, he was informed that a 6 karam (33 feet) rasta was required to be donated to the Gram Panchayat as per government policy. Though the accused assured execution of a gift deed (*Hibbanama*) and compensation for demolition, no such steps were taken. Instead, the buyers were indirectly asked to purchase the road passage separately. All these points were not taken into consideration by the Court concerned while passing the impugned order. Therefore, it is urged that the petition deserves to be allowed, the benefit of bail granted to respondent No.2 deserves to be withdrawn, thereby taking respondent No. 2 into custody for conducting proper investigation in the matter.

4. Status report has been filed by respondent-State. It is submitted by learned State counsel that respondent No. 2 had joined the investigation. He is no more required for any further investigation.

5. Reply on behalf of respondent No. 2 has also been filed. Learned counsel for respondent No. 2/accused has argued that there is no illegality and infirmity in the impugned order as the same had been passed after taking into

consideration all the relevant facts and circumstances of the case. Respondent No. 2 was not the owner of the land in dispute and had executed the sale deed only because he was the GPA holder of Raj Bala, who was one of the Directors of the said firm. The dispute is purely civil in nature and has been given a criminal colour with oblique motives. The petitioner is Director in multiple companies and a designated partner in LLPs, fully conversant with property transactions and regulatory frameworks. It is contended that the petitioner and his firm purchased agricultural land through four registered sale deeds on different dates after paying the entire consideration at or around the time of execution. Each sale deed clearly records that the land was agricultural in nature, sold on an “as is where is” basis, and that the vendee had conducted due diligence. A private passage was carved out for access, without forming part of the sale consideration. The repeated purchases on different dates demonstrate the petitioner’s complete satisfaction with the earlier transactions. The part of the same land was sold to another purchaser, Vivekabhilash Sharma, on identical terms and the petitioner later purchased that very land from him at more than double the price. This subsequent transaction itself demolishes any allegation of cheating or fraud. It is argued that after the Haryana Government issued the CLU policy dated 17.09.2021 requiring a 6 karam (33 feet) revenue rasta or donated passage, the petitioner sought to pressurize the vendors to execute a *Hibbanama* of valuable private land in favour of the Gram Panchayat to enhance the commercial value of his holdings. Upon refusal, he initiated criminal proceedings as a pressure tactic. No such promise of executing a *Hibbanama* is recorded in the sale deeds. No

specific role has been attributed to respondent No.2 and only general and vague allegations have been levelled against him. Therefore, custodial interrogation of the respondent No. 2 was neither warranted nor justified. There is nothing on record to show that he has misused the concession of bail in any manner. No ground has been made out to interfere with the impugned order, which is a well reasoned order. Hence, it is urged that the petition deserves outright dismissal.

6. This Court has heard the submissions made by learned counsel for the parties, besides perusing the material placed on record.

7. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam v. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail. Reliance can further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence,

the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others v. State of Haryana :1995 SCC (1) 349.***

8. In view of the proposition of law as laid down in the above discussed authorities, it is clear that the discretion under Section 483(3) of BNSS is to be exercised only if it is proved that bail has been granted to an accused of a heinous crime in a manner, which smacks of arbitrariness, capriciousness or perversity and on being satisfied on the basis of material placed on record that the accused has actually misused such liberty. The petitioner in this case has sought cancellation of concession of pre-arrest bail as granted to respondent No. 2 on the grounds that the Court concerned, while granting him this concession, had not properly taken into the gravity of the allegations levelled against him as well as the role played by him in commission of subject offences. However, a perusal of the impugned order demonstrates that the learned Additional Sessions Judge had considered the nature of accusations, the contents of the registered sale deeds and the role attributed to respondent No. 2. It was noticed that the land conveyed to the petitioner was described as agricultural land in the sale deeds and that the controversy was primarily relating to the alleged assurance regarding the common passage and non-execution of a gift deed in favour of the Gram Panchayat. At this stage, these issues appear to arise substantially out of the terms of the transaction between the parties and carry a significant civil

flavour, though criminal allegations are under investigation. It is also not in dispute that respondent No. 2 has joined investigation pursuant to the grant of anticipatory bail. The status report filed by the State clearly indicates that he is not required for further custodial interrogation. No material has been placed before this Court to show that he has attempted to influence witnesses, tamper with documentary evidence or evade the process of law. In absence of any supervening circumstance or misuse of concession, the extraordinary power of cancellation cannot be invoked. The arguments raised by the petitioner essentially assail the appreciation of material by the Court granting bail. However, a different possible view on the same material does not render the order perverse. This Court does not find that the learned Court concerned ignored any vital material or took into consideration irrelevant factors while granting anticipatory bail to respondent No. 2. In view of the above, this Court is satisfied that no case for cancellation of anticipatory bail is made out. The petition, being devoid of merit, is accordingly dismissed.

24.02.2026

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>