

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRM-M-12930-2026
Decided on: 10.03.2026

NIYAJ MOHD.

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sarfaraj Anjum, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 482 of BNSS, 2023 seeking grant of anticipatory bail in case bearing FIR No.174 dated 09.10.2025, under Sections 467, 468, 420 and 120-B IPC, 1860 (Corresponding Sections 338, 336(2), 318(4), 61 of Bharatiya Nayaya Sanhita (BNS), 2023) registered at Police Station Nagina, District Nuh, Haryana.
2. The allegations against the present petitioner are the petitioner alongwith his co-accused were witnesses on an agreement to sell, which was scribed on a forged Government stamp paper, which already stood issued in the name of some private company on 08.02.2019. The petitioner is the brother of co-accused namely Ali Mohd. (the alleged beneficiary).

3. Learned counsel for the petitioner contended that the petitioner is allegedly shown as the attesting witness on the agreement to sell between the complainant and his brother namely Ali Mohd and the petitioner has nothing to do with the alleged agreement to sell and other forged documents; the petitioner is having clean & clear antecedents and is not involved in any other case and thus, prayed for anticipatory bail as the petitioner is ready to join the investigation.

4. Notice of motion.

5. In pursuance of advance notice, Mr. Karan Veer Singh, Sr. DAG, Haryana has put in appearance and accepts notice on behalf of respondent-State.

6. Mr. Jamshed Ahmed, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama* in Court today which is taken on record and opposes the grant of concession of anticipatory bail to the petitioner while submitting that forged and fabricated agreement to sell has been created; the photocopy of the demand draft which was given to the complainant as well as the Daily Diary Report (DDR) regarding loss of agreement to sell have also been found to be forged and fabricated. The stamp paper used for the agreement has also been found to be already issued in the name of Jain Autofin Private Limited Company on 08.02.2019 and the said stamp paper has been tampered with by the accused.

7. Learned counsel for the State submitted that to defeat the right of the owner, a forged and fabricated agreement to sell and other

documents were forged which shows that the petitioner and the co-accused has no fear of law and presented these forged and fabricated documents before the Court by way of filing of a civil suit for specific performance. The present petitioner is required for custodial interrogation to collect evidence and take samples of handwriting and thumb impressions and hence, prays for dismissal of the present petition seeking anticipatory bail to the petitioner.

8. Heard.

9. Keeping in view the facts & circumstances of the present case and the rival contentions of the parties, and the role assigned to the petitioner that he is the attesting witness in the alleged forged and fabricated documents and it is also the allegation against the present petitioner that even the demand draft as well as the Daily Diary Report (DDR) of Police Station Nagina, District Nuh regarding the loss of agreement to sell and other documents have been alleged to be forged and fabricated. Therefore, taking into account the totality of the facts and circumstances of the present case, custodial interrogation of the present petitioner is required for proper investigation and to collect evidence i.e. matching of hand writing and/or thumb impressions and to unearth the *modus operandi* of the accused persons. In ***State Represented by the C.B.I. v. Anil Sharma, 1997(7) SCC 187***, the Hon'ble Supreme Court emphasized the importance of custodial interrogation by holding that many useful information and concealed materials may be elicited from a suspect in custody, than a suspect who is well-protected by an order of

anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

10. In view of above, the petitioner is not entitled for discretionary relief as prayed for and the present petition is hereby **dismissed**.

11. Nothing observed herein shall be construed as an expression of opinion by this Court lest it may prejudice the trial.

(SUBHAS MEHLA)
JUDGE

10.03.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO