



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

CRM-M-14746-2025 (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 regular bail granted to respondent No. 2- Balwan Singh, vide order dated 06.03.2025, 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 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. Initially, a case under Sections 406 and 420 of IPC was registered. Respondent No. 2 was joined into investigation by the police and was released on bail. However, subsequently, offences under Sections 467, 468 and 471 of IPC were added and Respondent No. 2 was arrested on 07.02.2025. He moved an application before the Court of learned Additional Sessions Judge, Gurugram for grant of regular bail, which was allowed by passing the impugned order on 06.03.2025. The petitioner, who is originally the complainant of this case, has prayed for cancellation of benefit of regular bail granted to respondent No. 2.

3. It is argued by learned counsel for the petitioner that the learned Court concerned has failed to appreciate the central and active role of respondent No. 2 in the conspiracy to extort crores of rupees from innocent home buyers. Respondent No. 2 is one of the Directors of the said company which sold the farm units and is a signatory to all the sale deeds through which the units were transferred. He was directly involved in inducing *bona fide* purchasers to part with substantial amounts on false representations. Custodial interrogation of respondent No. 2 was essential to unearth the larger scam. The agricultural land of negligible value was sold at exorbitant rates on the false assurance that all statutory approvals had been obtained and that a properly developed gated colony with roads and basic amenities was being carved out. During investigation, forgery of revenue records has surfaced, including fabrication of a road in the site plan/*Aks-Shijra* which did not exist in reality. Offences relating to forgery had been added. Respondent No. 2 and other accused had not fulfilled the assurance given by them. The offer to

repurchase the land at the original price was illusory and mala fide, especially when land prices have increased substantially and a significant portion of the consideration was paid in cash. A separate FIR for illegal plotting is already registered against the respondent, indicating a continuing pattern of unlawful conduct. Therefore, it is urged that the petition deserves to be allowed and the benefit of bail granted to respondent No.2 deserves to be withdrawn.

4. Learned State counsel has not disputed the factual assertions.

5. Reply on behalf of respondent No. 2 has 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. 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. The petitioner has concealed material facts in the present petition. No specific role has been attributed to Respondent No. 2 and only general and vague allegations have been levelled against him. 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 well reasoned. 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 regular bail as granted to respondent No. 2 on the grounds that the Court concerned, while granting him this concession, had not properly taken into consideration the gravity of the allegations levelled against him as well as the role played by him in commission of subject offences.

9. A perusal of the record reveals that it is not in dispute that respondent No. 2 was granted regular bail by the learned Additional Sessions Judge after his arrest on 07.02.2025 and after addition of offences under Sections 467, 468 and 471 of IPC. The impugned order reflects that the Court concerned had taken note of the nature of allegations, the documentary character of the evidence and the stage of investigation before exercising its discretion. It cannot be said that the order granting bail suffers from perversity, arbitrariness or non-application of mind. The primary grounds urged by the petitioner relate to the alleged active role of respondent No. 2 in misrepresenting approvals, forging documents and inducing buyers. However, the dispute arises out of registered sale deeds executed on different dates, each recording that the land was agricultural and sold on an “as is where is” basis after due diligence by the vendee. The question whether any assurance regarding passage, approvals or execution of *Hibbanama* was falsely made is essentially a matter to be tested during trial on the basis of evidence. At this stage, these assertions, by themselves, do not demonstrate that the discretion exercised by the Court concerned was manifestly erroneous. It is also significant that the petitioner is not an unsophisticated purchaser but a person engaged in real estate activities, having entered into multiple transactions including subsequent purchase of land from a third party at a higher consideration. These aspects, though not determinative of innocence, dilute the contention that the bail order was passed ignoring glaring material. Moreso, no material has been placed before this Court to show that respondent No. 2 has misused the concession of bail, attempted to influence witnesses,

tampered with evidence or obstructed the course of investigation/trial after his release. The mere gravity of allegations or pendency of another FIR, in absence of supervening circumstances, cannot be a ground to cancel bail once granted. Cancellation of bail stands on a different footing from rejection of bail at the initial stage. In the present case, the petitioner has essentially sought a re-appreciation of the same material which was available before the Court granting bail. This Court does not find the impugned order to be perverse or suffering from such serious infirmity as would warrant interference under Section 483(3) of the BNSS. Accordingly, finding no merit in the present petition, the same is dismissed.

24.02.2026

Waseem Ansari

(MANISHA BATRA)

JUDGE

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