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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14007-2026**

Shailendra Kohli

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 16, 2026**Date of Uploading: March 16, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS')
for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR
No.0147 dated 05.06.2025, registered for the offences punishable under
Sections 319, 318 (4), 338, 336 (3), 340, 61 of BNS, 2023 (Sections 61(2),
319(2), 340(2), 238 of BNS added later on), at Police Station Faridabad
Kotwali, District Faridabad.

2. The gravamen of the instant FIR reflects that it has been
registered on the basis of a complaint moved by the complainant, Jatinder
Singh Arora, who filed a written complaint with the SHO, P.S. Surajkund,
against Gunjan Saxena, Anuragh Gupta, Karamvir, and others, alleging
criminal conspiracy, cheating, and forgery by impersonation. According to
the complainant, he was the lawful owner of Apartment No. A-2102, 21st

Floor, Tower A, Ibiza Town, Sector 39, Surajkund Road, Faridabad, as per the registered conveyance deed No. 9323 dated 24.01.2024. He had purchased the property by availing a home loan from Tata Capital Housing Finance Limited and had deposited the original conveyance deed with the financier at the time of obtaining the loan, creating a charge over the property. On 11.04.2025, the complainant came to know through Sunder Mishra that a sale deed had been executed in favour of Gunjan Saxena in respect of the disputed property. Sunder Mishra sent a copy of the sale deed, bearing Vasika No. 3416 dated 07.08.2024, to the complainant via WhatsApp. Upon perusal, the complainant realized that the disputed property had been fraudulently sold to Gunjan Saxena by impersonating him. The complainant stated in his complaint that he had neither executed the sale deed bearing Vasika No. 3416 dated 07.08.2024 nor received any sale consideration from any person. He further asserted that the impugned sale deed does not bear his signature. It is further alleged by the complainant that the sale deed bearing Vasika No. 3416 dated 07.08.2024 was executed and registered by fraudulently impersonating him. He stated that he had never met Gunjan Saxena at any point of time. The complainant further alleged that Karamvir and Chander Shekhar Bainsla had prepared a forged and fabricated rent agreement in respect of the disputed property. In connection with the said forged rent agreement, FIR No. 317 dated 18.05.2024, under Sections 120B, 420, 467, 468, 471, and 506 of the Indian Penal Code, 1860 (IPC), was registered against Karamvir and Chander Shekhar Bainsla. Karamvir had also filed a civil suit in the District Court, Faridabad. A settlement in the civil suit took place on 01.04.2025, pursuant to which Karamvir and Chander Shekhar Bainsla handed over possession of the disputed property to the complainant on 01.04.2025. The complainant

stated that he was not in possession of the disputed property on 07.08.2024. He further alleged that Karamvir, in collusion with Gunjan Saxena and others, prepared the impugned forged sale deed bearing Vasika No. 3416 dated 07.08.2024. The complainant also came to know that Gunjan Saxena had obtained a loan on the disputed property on the basis of the said forged and fabricated sale deed. Upon these set of allegations, the instant FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question on the basis of disclosure statement of the co-accused. Learned counsel for the petitioner has submitted that the petitioner has no role in the alleged offence as mentioned in the present FIR, and there is no evidence on record establishing any connection between the petitioner and the commission of the offence. It is further argued that the petitioner is neither the beneficiary of the impugned sale deed nor has any involvement in its execution or registration. Learned counsel pointed out that the petitioner's name has only been mentioned in the disclosure statement of the co-accused, which was recorded during police custody, and such disclosure alone cannot form the basis for custodial interrogation or implicate the petitioner. It is further contended that the FIR in question was registered in June, 2025, and after the lapse of approximately nine months, the investigating agency is attempting to seek custodial interrogation of the petitioner on flimsy grounds, which is unjustified. Learned counsel has also submitted that the petitioner is a reputed individual and is being falsely implicated by the investigating agency without any credible evidence.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. The petitioner is accused of being involved in a fraudulent scheme whereby the complainant's property was allegedly sold through a forged and fabricated sale deed. The allegations involve criminal conspiracy, cheating, and forgery by impersonation, which are serious offences under the law. The petitioner in collusion with others, obtained a loan on the basis of the impugned forged document, which *prima facie* establishes involvement in a criminal act. Learned State counsel has further argued that the petitioner is a habitual offender, who had previously prepared a forged rent agreement in collusion with other accused Karamvir and Chander Shekhar Bainsla in respect of the same property and the FIR No.317 dated 18.05.2024 was also registered against him. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It is pertinent to note here that the petitioner was not named in the FIR, at the initial stage, and his name surfaced, subsequently, during the course of investigation, on the basis of the disclosure statement of co-accused. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The petitioner has fraudulently in collusion with other accused sold the property of the complainant. The petitioner is earlier also involved in similar like offences and, therefore, appears to be a habitual offender. Learned counsel has failed to demonstrate the petitioner was not involved in the alleged offence.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a 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 offences would not conduct themselves as offenders.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 16, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No