2026:PHHC:051892

104 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-15060-2026

Dinesh Kumar

....Petitioner

versus

State of Haryana

....Respondent

2. CRM-M-16853-2026

Kunal Bhukkal and others

....Petitioners

versus

State of Haryana

....Respondent

Date of Decision: April 06, 2026
Date of Uploading: April 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sanghi, Advocate for the petitioner(s) (**in both the petitions**).

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Dr. Pankaj Nanhera, Senior Advocate with
Mr. Sachin Jangra, Advocate for the complainant.

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<u>SUMEET GOEL, J. (Oral)</u>

By way of this common order, this Court proposes to decide the aforementioned two petitions filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of anticipatory bail to the petitioner(s), in case FIR No.370 dated 20.12.2022, registered under

Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Ratia, District Fatehabad.

2. The gravamen of the FIR is that the complainant, namely Smt. Kiran Singla, wife of Sh. Subhash Kumar, resident of House No.58, New Town Ratia, Tehsil Ratia, District Fatehabad, who is the sole proprietor of a firm, namely, "M/s Ramprasad Vijendra Kumar" and owner of the residential house in question, alleged that the accused persons (petitioners *herein* in both the petitions), in connivance with each other, hatched a conspiracy to cheat her by preparing a false and fabricated agreement to sell dated 26.04.2022. As per the said agreement, it was falsely shown that the complainant had agreed to sell her house to accused Dinesh Kumar (petitioner in CRM-M-15060-2026) for a total consideration of ₹40,00,000/-, out of which ₹15,00,000/- was alleged to have been paid to her in cash. As per the complainant, the said agreement was purportedly prepared at Hisar whereas the residence of the complainant had been situated at Ratia, District Fatehabad and she never visited Hisar on 26.04.2022. The complainant has categorically denied having executed any such agreement or having received any amount. The complainant has further asserted that the signatures appearing on the said agreement were not hers and have been forged. In order to substantiate her claim, the disputed signatures were examined by an expert, who opined that the same do not match with the genuine signatures of the complainant. It has been further alleged that one of the co-accused (i.e. petitioner No.3 in CRM-M-16853-2026), being related to the complainant and having earlier access to her business premises and documents, had access to papers containing her signatures, which were

subsequently misused. On the basis of such access, the accused persons (petitioner(s) *herein*) are alleged to have prepared the forged agreement and later projected it as a genuine document in judicial proceedings. The complainant has further alleged that the accused persons, by using the said forged agreement, attempted to create false rights over her property and to unlawfully extract money from her. On these set of allegations, the FIR in question came to be registered and investigation ensued.

3. Learned counsel for the petitioner – Dinesh Kumar (in CRM-M-15060-2026) has iterated that the petitioner has been falsely implicated into the FIR in question and has not committed any offence as alleged. Learned counsel has further iterated that the dispute between the parties is essentially civil in nature arising out of an agreement to sell which is already the subject matter of a civil suit for specific performance filed by the petitioner against the complainant. According to learned counsel, the present FIR has been lodged as a counter-blast to the said civil proceedings with an oblique motive to pressurize the petitioner to withdraw the suit. It has been further contended that the petitioner has, in fact, entered into an agreement and has already paid an amount of Rs.15.00 lacs towards part consideration and hence the allegations of forgery have been falsely leveled. Learned counsel has emphasized that the investigation has been conducted in a partial manner in order to favour the complainant. It has been further argued that the name of the petitioner has been falsely roped into the instant case without any supporting evidence or proper investigation. Learned counsel has further contended that the petitioner is ready to join the investigation and shall abide by any condition imposed by this Court in case he is enlarged on

pre-arrest bail. Furthermore, the petitioner is a practicing Advocate and a permanent resident and there is no likelihood of his absconding or tampering with evidence. On the strength of the aforesaid submissions, the grant of anticipatory bail to petitioner Dinesh Kumar is prayed for.

3.1. As regards, petitioners – Kunal Bhukkal, Ramphal and Rajat Singla in petition CRM-M-16853-2026 is concerned, learned counsel has contended that the petitioners have been falsely implicated into the present case as they have no role in the alleged offence. Learned counsel has iterated that no specific allegations are made against them which would attract the offences as alleged in the FIR. According to learned counsel, the dispute is primarily civil in nature arising out of an agreement to sell which is already pending adjudication before the civil Court and the present case has been initiated only as a counterblast to pressurize the petitioners. Learned counsel has pointed out that the petitioner No.1-Kunal Bhukkal is merely a scribe of the agreement in question whereas petitioner No.2 – Ramphal is only an attesting witness and petitioner No.3 – Rajat Singla has been falsely roped in solely on account of his relationship with the other accused without there being any substantive material against him. It has been contended that the investigating agency has not conducted the investigation fairly and is proceeding under the influence of the complainant. Furthermore, the petitioners have already joined the investigation and are willing to cooperate with the investigating agency as and when required. It has been contended that all the relevant documents are already in possession of the investigating agency and hence the custodial interrogation of the petitioners is not necessary. On the strength of aforesaid grounds, learned counsel has prayed that the petitioners be granted the concession of anticipatory bail.

4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail by arguing that the allegations against the petitioners (in both the petitions) are grave and serious in nature, involving preparation of forged documents and commission of fraud in respect of residential property of the complainant. Learned State counsel has iterated that the petitioners, in connivance with each other, have fabricated a false agreement to sell by forging the signatures of the complainant with an intention to grab her property and to extract money from her. According to learned State counsel, during the course of investigation, the disputed documents were sent to FSL and as per the report received, the signatures on the agreement have been found to be forged. Learned State counsel has emphasized that the custodial interrogation of the petitioners is necessary to unearth the larger conspiracy and to ascertain the role played by each of the accused. In view of the seriousness of the allegations, the nature of offence and the requirement of the custodial interrogation for a fair and effective investigation, the dismissal of both the petitions is entreated for.

5. Raising submission in tandem with the State counsel, learned senior counsel appearing for the complainant has vociferously opposed the grant of anticipatory bail to the petitioners. According to learned senior counsel, the complainant has been subjected to a well planned fraud by the petitioners, who, in connivance with each other, prepared a forged agreement to sell in order to grab her residential property. Learned senior counsel has emphasized that the complainant has never executed any

agreement nor received any amount & the document in question has been fabricated by misusing her signatures which is also supported by the report of the FSL. Accordingly, the dismissal of the petition in hand is prayed for.

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

7. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022,*** relevant whereof reads as under:

> "*74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. 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)*
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> *"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.*
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> *75. Observing that the arrest is a part of the investigation intended to secure several purposes, in* ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]****, it was held as under : (SCC p. 313, para 19)*
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> *"19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation,*

commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 *of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under* Section 438 *of the Code will amount to interference in the investigation, which cannot, at any rate, be done under* Section 438 *of the Code."*

76. In ***Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]****, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

77. After referring to Siddharam Satlingappa Mhetre **[Siddharam Satlingappa Mhetre v. State of Maharashtra*****, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]*** *and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in* **Jai Prakash Singh** v. State of Bihar [Jai Prakash Singh ***v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468]****, the Supreme Court held as under : (SCC p. 386, para 19)*

*"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (****See*** D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu ***v. P.T. Manokaran, (2007) 4 SCC 434 :(2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)"***

Economic offences

78. Power under Section 438 *CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In* Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement ***v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri)***

> *510], it was held that in economic offences, the accused is not entitled to anticipatory bail."*
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> *15. In* Sushila Agrawal and others v. State (NCT of Delhi) and Another *reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest 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 or likelihood of fleeing justice. The Court held:-*
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>> *"92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court."*

8. Indubitably, serious allegations have been levelled against the petitioners in the FIR in question. As per the allegations, the role attributed to petitioner – Dinesh Kumar is pivotal to the entire transaction, inasmuch as he, in furtherance of a well planned criminal conspiracy with co-accused, procured agreement to sell dated 26.04.2022 in respect of the property of the complainant by fabricating her signatures. The allegations against him are not merely peripheral but go to the root of the matter as he is the beneficiary of the alleged forged document. The stand of the investigating agency before this Court is that the petitioner – Dinesh Kumar is the main architect of the fraudulent transaction and is stated to have relied upon the same to assert rights over the property of the complainant.

So far as the petitioners namely Kunal Bhukkal, Ramphal and Rajat Singla are concerned, the record *prima facie* reflects their active participation in the execution and preparation of the disputed agreement. The petitioner No.1-Kunal Bhukkal is stated to be the scribe of the document whereas petitioner No.2- Ramphal is an attesting witness & petitioner No.3- Rajat Singla is alleged to have prior access to the documents and signatures of the complainant which were allegedly misused for the purpose of preparing the forged agreement. In the considered opinion of this Court, the roles ascribed to the petitioners, though distinct but appear to be interconnected. At this stage, it cannot be said that their involvement is without any basis as the material collected during the course of investigation, including the FSL report opining the signatures to be forged and lends *prima facie* credence to the prosecution case and points towards the existence of a conspiracy among the petitioners. The allegations pertain to a well planned conspiracy involving preparation and use of forged documents with the intent to usurp the valuable property. Such offences have far reaching consequences and cannot be lightly brushed aside as mere civil disputes.

9. The plea of the petitioner(s) that the matter is civil in nature does not persuade this Court at this stage particularly when allegations of fabrication of documents supported by scientific evidence are on record. Furthermore, the investigation is still underway and the manner in which the forged documents have been prepared as well as the specific role played by each of the accused is yet to be fully unearthed. In such circumstances, the custodial interrogation of the petitioners assumes significance for a fair and effective investigation. In the considered opinion of this Court, the grant of anticipatory bail at this stage may impede the ongoing investigation which, at this stage, cannot be conducted without the petitioner(s) being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. It is well settled that in cases involving economic offences

and cheating of substantial amount, the Court must exercise caution while granting anticipatory bail, as such offences have a serious impact on public confidence.

10. In view of the gravity of the allegations, the specific role attributed to the petitioner(s) in the FIR, the requirement of custodial interrogation as also the factual matrix of the case in hand essentially lead to the unequivocal conclusion that the petitioner(s) do not deserve the concession of anticipatory bail. It is pertinent to mention here that the relief of anticipatory bail is aimed at ensuring personal liberty of an individual. However, while deciding a plea for grant of anticipatory bail, the Court has to strike a balance between safeguarding individual rights and protecting societal interest. The Court must also consider the gravity of the offence; the role attributed to the accused; the impact on the Society and the need for fair and free investigation. The relief must not unduly hamper the rights of the investigating agency to conduct free, fair and impartial investigation. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner(s). 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(s), as it would necessarily cause impediment in effective investigation. In view of the nature as also seriousness of the allegations, it may not be possible for the investigating agency to unravel the entire truth if the petitioner(s) are armed with a protective order. Moreover, it is the specific stand of the State that the custodial interrogation is necessary to take the investigation to its logical end and to conclude fair and meaningful

investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Hon'ble 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.*"

Taking into consideration the totality of the factual *milieu* of the case in hand and the gravity of offence, this Court is of the considered opinion that the petitioner(s) do not deserve the concession of anticipatory bail.

11. In view of the prevenient ratiocination, it is ordained thus:

(i) Both the petitions are devoid of merits and are hereby <u>dismissed</u>.

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

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

(SUMEET GOEL)
JUDGE

April 06, 2026
Ajay/mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No