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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

103-1

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Yash Pal Singh

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 07.05.2026**Date of Uploading : 07.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. K.S. Dadwal, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Najar Singh, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.187 dated 11.07.2025 registered for offences punishable under Sections 420, 406 and 120-B of IPC at Police Station Baldev Nagar, District Ambala.

2. As per the prosecution case, complainant Sanjeev Kumar, who is stated to be engaged in the power sector business at Faridabad has alleged that about one year prior to registration of the FIR, he came in contact with co-accused Brahm Prakash, a property dealer, who represented that he could facilitate purchase of land situated near Grain Market, Mohra, Ambala. It has been alleged that Brahm Prakash introduced the complainant to the Yash Pal (petitioner herein) and one Patwari namely Parveen Kumar. As per

the complainant, he was allegedly shown certain agreements and documents

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relating to the proposed land transaction and was assured that the agreement to sell would be executed within one week. Relying upon such assurances/representations, the complainant allegedly paid an amount of Rs.35 lakhs to the present petitioner and Rs.12 lakhs to co-accused Brahm Prakash in the presence of Patwari Parveen Kumar. Despite receipt of the said amount, neither any agreement to sell was executed nor the money was returned. Thereafter the accused persons stopped responding to the calls of the complainant. Based on these set of allegations, the instant FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner, a retired police official aged about 66 years, has been falsely implicated into the FIR in question. Learned counsel has further iterated that the allegations contained in the FIR arise out of a land transaction and the entire dispute is purely civil in nature for which the complainant has appropriate remedy(s) before the competent civil Court by way of recovery proceedings or specific performance. It has been further contended that there is an unexplained and inordinate delay of more than one year in the registration of the FIR inasmuch as the alleged transaction pertains to June 2024 whereas the FIR has been lodged on 11.07.2025 which renders the prosecution story highly doubtful and an afterthought. It has been further contended that the complainant himself alleges payment of ₹47.00 lacs in cash and no material has been placed on record to establish the source of such amount. Furthermore, the essential ingredients of the offences punishable under Sections 420 and 406 IPC are not made out against the petitioner, as there was neither any dishonest inducement at the inception of



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the transaction nor any entrustment of property so as to constitute criminal breach of trust. Learned counsel has emphasized that the complainant, in connivance with local police officials, has allegedly abducted the petitioner on 06.01.2026 and forcibly procured an affidavit and a post-dated cheque of ₹31.00 lacs under threat and coercion, which itself demonstrates the *mala fide* intention of the complainant and his attempt to misuse the criminal process. It has been further contended that the petitioner is a law-abiding citizen; has clean antecedents; is ready and willing to join investigation as and when required. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. Referring to reply dated 20.04.2026 by way of an affidavit of Virender, HPS, Deputy Superintendent of Police, Ambala, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations levelled against the petitioner are grave, serious and supported by specific material collected during the course of investigation. The relevant part of the reply reads as under:

“ 7. That the investigation so far has revealed that the co-accused Uday Pal Singh and Bhanu Pratap Singh, entered into an agreement for their land on 3.04.2004 with Sanjosh LLP Company, Gurugram through accused yashpal Singh, who have also signed the agreement of sale. On 01.06.2024, they received Rs. 5 lakh each from Cube Realtech LLP as token money from accused Yashpal and signed the receipt as receipt of amount of Rs. 5 Lakhs each (Annexure R-2 and Annexure R3). Hence, the accused petitioner Yashpal Singh, Uday Pal Singh and Bhanu Pratap Singh were aware that they had entered into an agreement for their land with Sanjosh LLP Company, Gurugram. Despite this knowledge, the co-accused Uday Pal Singh



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and Bhanu Pratap were again found to have received Rs.5 lakh each from accused-petitioner Yashpal Singh and signed the receipt as witnesses for Cube Realtech LLP. Hence, on the basis of facts and circumstances, it is established that the accused-petitioner in connivance with co-accused Uday Pal Singh and Bhanu Pratap has committed cheating with complainant, hence, the present petition is liable to be dismissed as the custodial interrogation of accused-petitioner is required for the recovery of cheating amount.”

Raising submissions in tandem with the aforesaid reply, learned State counsel has further iterated that the petitioner was an active participant in the conspiracy hatched along with co-accused persons and the complainant was dishonestly induced to part with an amount of ₹47 lacs, out of which ₹35 lacs have been specifically alleged to have been received by the present petitioner which *prima facie* establish the involvement of the petitioner. Learned State counsel has emphasized that the custodial interrogation of the petitioner is necessary for effective investigation, particularly for recovery of the cheated amount, tracing the money trail and recovery and verification of forged agreements and other relevant documents. Considering the seriousness of the allegations and the stage of investigation, the dismissal of the instant petition is prayed for.

4.1. Learned counsel appearing for the complainant has raised submissions in tandem with the State counsel. Learned counsel has iterated that the allegations cannot be termed as merely civil in nature at this stage, as the material on record *prima facie* discloses dishonest intention and inducement from the very inception of the transaction. According to learned counsel, the nature of offence clearly indicates the existence of a larger conspiracy which is still under investigation. Accordingly, a prayer has been made for the dismissal of the petition in hand.



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

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations levelled in the FIR, at this stage, *prima facie* disclose that the petitioner in connivance with co-accused, allegedly induced the complainant to part with substantial amounts of money on the representation that the land situated near Grain Market, Mohra, Ambala would be arranged and transferred in his favour. The complainant has specifically attributed a direct role to the petitioner and alleged that an amount of ₹35 lacs was handed over to him in the presence of other accused persons including Patwari Parveen Kumar. The record further reflects that certain agreements and documents were allegedly shown to the complainant for the purpose of gaining his confidence and facilitating the transaction. The amount involved is substantial which *prima facie* indicates the seriousness and gravity of the offence. In the considered opinion of this Court, the economic offences of such magnitude cannot be treated at par with ordinary offences as they have far-reaching consequences on public trust. The plea raised on behalf of the petitioner that the dispute is purely civil in nature does not persuade this Court at this stage as merely because a transaction pertains to sale and purchase of land or involves monetary dealings would not by itself take away the criminality if the allegations *prima facie* disclose dishonest inducement and deception from the inception. The material collected during the course of investigation indicates that the complainant was allegedly induced to part with a substantial amount on the basis of representations



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made by the petitioner and co-accused persons regarding land which, as per the the prosecution, they were not competent to transfer. The question(s) as to whether the transaction has failed on account of a *bona fide* dispute or whether the intention to deceive existed from the very beginning is a matter which requires thorough investigation and cannot be conclusively adjudicated upon in a petition for grant of anticipatory bail. Furthermore, the argument regarding delay in registration of the FIR also does not persuade this Court at this stage as such delay and the explanation therefor are matters to be considered during the course of trial upon appreciation of evidence. At the stage of anticipatory bail, the Court is primarily required to examine the nature and gravity of accusations and the role attributed to the accused. The exact nature and extent of the involvement of the petitioner requires deeper investigation for which custodial interrogation of the petitioner may be essential. The grant of anticipatory bail at this stage may hamper the investigation.

7. 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. It goes without saying that in the instant case, the allegations against the petitioner, as emerging from the FIR and material placed on record, are neither vague nor general in nature. The complainant has specifically alleged that after being introduced to the petitioner by co-accused Brahm Prakash, he was shown certain agreements and documents pertaining to the land in question and was assured by the petitioner and other accused persons that the agreement to sell would be executed within a short period of time. At this stage, the material collected



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during investigation *prima facie* discloses active participation and a specific role attributable to the petitioner in the alleged acts of cheating and conspiracy. The investigation is at nascent stage. 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. 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, (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 task of disintering offences would not conduct themselves as offenders.”

8. In view of the gravity of the allegations, the nature of the offence and the requirement of the custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

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

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (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

May 07, 2026
Ajay

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