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

CRM-M-16904-2026

Dipender

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 27, 2026**Date of Uploading: March 30, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Sandeep Lather, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, 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. 243 dated 04.11.2025 registered under Sections 316(2), 318(4), 336(3), 337, 340 and 61 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 406, 420, 467, 468, 470 and 120-B IPC), at Police Station Sadar Panipat, District Panipat.

2. The gravamen of the FIR in question reflects that the FIR in question was registered on the basis of a complaint made by complainants- Vijay Kumar and Sanjay Kataria alleging that they were contacted by the petitioner and his co-accused, who informed them about availability of land measuring 24 Kanal 18 Marla situated near GT Road, village Kutel. The

said land was stated to be owned by one Rajesh Kumar Kesari, who allegedly had executed a General Power of Attorney (GPA) in favour of co-accused Virender Singh. On being so induced, the complainants visited the spot, found the land suitable and expressed their willingness to purchase the same. It has further been alleged that thereafter the accused persons called the complainants and introduced Virender Singh as the GPA holder, who, in turn, made them speak to a person claiming to be Rajesh Kumar Kesari, who confirmed the transaction and authorized finalization of the deal. Subsequently, the parties entered into an agreement to sell dated 12.03.2025 for a total consideration of about ₹12.11 crores, pursuant to which the complainants paid substantial amounts partly in cash and partly through cheques in the names of the alleged owner and the GPA holder. Subsequently, when the complainants reached the office of the Sub-Registrar on the date fixed for execution of the sale deed, the accused persons failed to turn up. The complainants have further alleged that upon verification they have found that the General Power of Attorney was not genuine and had been cancelled earlier and they had been cheated of an amount of about ₹1.80 crores. Upon these set of allegations, the present 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. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been roped in only on the basis of disclosure statement made by co-accused Varinder Singh, who is in custody. It is further contended that the dispute in the FIR in question is of civil in nature.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. 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. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. Learned State counsel has further submitted that the petitioner is an active participant in the conspiracy. It is further contended that the petitioner had signed the forged GPA as a witness and had also filed an affidavit falsely identifying the alleged owner. It is further submitted that custodial interrogation of the petitioner is necessary for recovery of cheated amount and for unearthing the larger conspiracy. 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. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition 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. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner. The FIR in question pertain to a well-planned conspiracy wherein the complainants were induced for a huge sum amounting to ₹1.80 crores, on the basis of a forged General Power of Attorney in respect of land in question. The petitioner has played an active role in the said conspiracy. As per the case set up by the prosecution, the petitioner is alleged to have signed the forged GPA as a witness and also alleged to have identified the alleged owner of the land in question through an affidavit. The investigation is at a nascent stage and, thus, the custodial interrogation of the petitioner is necessary for recovery of the cheated amount.

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 27, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No