



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

Sr.No.217

**CRM-M-18212-2026
Decided on : 22.04.2026**

Sarfaraj Khan

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Gautam Dutt, Senior Advocate with
Mr. Saifuddin Shams, Advocate,
Mr. Saurabh Sharma, Advocate
Ms. Shabnam, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

Mr. Lokendra Singh, Advocate
for respondent No.2.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.139 dated 11.04.2025, registered under Sections 61, 318(4), 319, 336(3), 338, 340 of BNS, 2023, at Police Station Bhondsi, Gurugram.
2. Brief facts, as per the prosecution case, are that the petitioner in connivance with co-accused prepared fake documents; got the disputed property transferred in the name of co-accused by manipulating revenue records and executing false documents. Hence, the present FIR.



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is completely innocent. He further contends that the allegations levelled against him are false and he has no concern with the said offence. Learned counsel contends that neither the original owner nor his successors or any of the beneficiaries has filed the FIR and the complainant has filed the complaint only to extort money from the petitioner. Learned counsel contends that the incident is of 30.05.2016 but the FIR in question was registered on 11.04.2025 i.e. after an unexplained delay of 09 years, casting a serious doubt on the prosecution story. It is further contended that there is nothing on record to connect the petitioner with the alleged offence. No recovery is to be effected from the petitioner and his custodial interrogation is not required. Learned counsel also submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the Investigating Agency and shall fully cooperate with the investigating agency. On these grounds, it is prayed that the present petition be allowed.

4. On the other hand, learned State counsel has filed the status report which is taken on record. He, while referring to the said report, has vehemently opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the petitioner are serious in nature. He submits that the petitioner is the main conspirator of the alleged offence. He further contends that the alleged GPA was executed in the name of petitioner by co-accused. Further, the petitioner had transferred the aforementioned property in favour of his mother on the strength of forged documents i.e. mutations and forged power of attorney thereby facilitating the illegal transfer of the property without any consideration. Learned State counsel



contends that the petitioner had played a central and pivotal role in orchestrating the entire conspiracy and acted as the driving force behind the illegal transfer of the said property, thus, he does not deserve any concession from this Court.

5. Heard.

6. After hearing learned counsel for the parties, this Court is of the considered opinion that the allegations against the petitioner are serious in nature and pertain to forgery, cheating and illegal transfer of property. The material placed on record prima facie indicates the involvement of the petitioner in execution and utilization of forged documents for unlawful gain. The contention regarding delay in registration of the FIR, though noted, cannot be gone into in detail at this stage and is a matter of trial. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine and seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

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 interest(s). 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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. The Hon'ble Supreme Court, in case titled as '**P. Chidambaram v. Directorate of Enforcement**', (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar, 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”.

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, it was held that in economic offences, the accuse is not entitled to anticipatory bail.

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83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail”.

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.



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10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

22.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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