



CRM-M-18386-2025

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

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CRM-M-18386-2025
Decided on :01.05.2026

Gaurav alias Chetan

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Shiv C. Bhola, Advocate for the petitioner.

Mr. P.K.Jhanda, Sr. DAG, Haryana.

Mr. Saurabh Sharma, Advocate for
Mr. Aditya Sanghi, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No. 0378 dated 15.06.2025, under Sections 420, 120-B IPC (Sections 318(4)/61(2) of BNS) [Sections 423, 467, 468 and 471 IPC (Sections 322, 338, 336(3), 340 of BNS) were added later on], registered at Police Station HTM Hisar.
2. On the basis of the complaint made by the complainant, namely Satyaparkash, son of late Sh. Dwarkadas, FIR in question has been registered with the following allegations:

“ The complainant alleged to be Secretary of Haryana Kurukshetra Gaushala, Hisar. The land comprised in Khasra No.89//18/2 min total land 14 Marla, situated at Mirzapur Road, Hisar owned and possessed by Haryana Kurukshetra Gaushala,



Hisar since more than 48 years. On 3.11.2024, when the boundary wall of Gaushala was being constructed, then one Anand came at the spot and asked to stop the work of boundary wall by claiming that he alongwith others is owner of the said land as per registered sale deed. On 6.11.2024, the said Anand alongwith other assailants again visited at the spot and threatened the workers of Gushala. On 10.11.2024, Anand alongwith Sham Sunder, Mukesh and other persons came at the spot and forcibly spread the Bajri with the help of JCB Machine over the disputed land. It was further submitted that the land measuring 31 Marla has been purchased by Gulzari Mal son of Mohan Lal, resident of village Barwa, District Hisar in the year 1970 and 14 Marla land has been given by him to Haryana Kurukshetra Gaushala, Hisar for cultivation and since then, the said land is in the possession of Gaushala, as per jamabandi for the year 1974-1975. However, after the death of Gulzari Lal in the year 2007, the land measuring 31 Marla has been transferred fraudulently in the name Anil as per sale deed No.7992 dated 4.09.2012 by the said Anand etc., who has been duly identified by the present petitioner. The said Anil further transferred the said land in the names of Krishna etc. as per sale deeds No.5619 dated 2.09.2013, who transferred the same in the name of Balwnti Devi, vide sale deed No.11436 dated 29.03.2019 and lastly, the said land has been transferred, vide sale deed No 7687 dated 18.08.2021 in the names of Krishna etc.. In this manner, the petitioner was involved in the said cheating by identifying the first vendee namely Anil Kumar son of Satbir Singh.”

After registration of case, investigation was started and thereon petitioner was arrested on 20.09.2026.

3. Learned counsel for the petitioner argues that role attributed to the petitioner is limited to his having stood as a witness at the time of



registration of sale deed No. 7992 in the year 2012. It is contended that thereafter, as per the investigation, petitioner does not figure in the alleged transactions in any manner.

Learned counsel further submits that the dispute pertains to land measuring about 31 marlas, out of which 14 marlas is already in possession of the Gaushala. It is contended that all the offences alleged are triable by the learned Magistrate. After completion of the investigation, challan has already been presented. However, out of a total of 13 prosecution witnesses, none has been examined till date.

It is further submitted that the petitioner has been arrayed as an accused merely on the basis that he had appeared as a witness approximately 13 years ago by identifying one vendee, namely Anil Kumar. Petitioner is in custody since 20.09.2025. Learned counsel submits that whether the allegations/charges levelled against the petitioner would ultimately result in conviction is yet to be established before the trial Court.

In view of the above submissions, it is prayed that the petitioner be granted the concession of regular bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the petitioner is actively involved in the commission of the alleged offence and cannot be permitted to take advantage of the limited role now being projected. It is contended that the petitioner played a crucial role in facilitating the fraudulent transaction by

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identifying the first vendee, thereby lending credibility to the illegal transfer of the disputed property.

Learned State counsel further submits that the petitioner is a habitual offender, as 15–17 criminal cases are stated to be pending against him, which reflects his criminal antecedents. In such circumstances, there is every likelihood that, if released on bail, petitioner may again involve himself in criminal activities or may influence the witnesses. Accordingly, it is prayed that the present petition be dismissed.

6. Responding to the said contention, learned counsel for the petitioner submits that there is nothing on record to show that the petitioner has ever been convicted in any of the said cases. It is further submitted that mere pendency of criminal cases, without there being any conviction, cannot be made the sole basis to deny the concession of bail, particularly when the petitioner has been falsely implicated and the allegations against him are yet to be established during trial.

7. I have heard learned counsel for the parties and perused the paper-book.

8. Considering the fact that petitioner is stated to be in custody since 20.09.2025, that investigation in the present case stands completed and challan has already been presented, and that out of 13 cited prosecution witnesses none has been examined so far, this Court is of the view that the trial is likely to take considerable time to conclude. Further, the role attributed to the petitioner, as projected at this stage, appears to

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be primarily that of identifying one of the vendees at the time of execution of a sale deed in the year 2012, with no subsequent overt act specifically attributed to him in the alleged chain of transactions. Without expressing any opinion on the merits of the case, petitioner is held entitled to the concession of regular bail.

Consequently, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

01.05.2026***Rashmi***

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*