



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRA-S-1397-2025 (O&M)

Talewar Singh ...Appellant

Versus

State of Haryana and another ...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	24.03.2026
2	The date when the judgment is pronounced	30.03.2026
3	The date when the judgment is uploaded on the website	30.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. R. K. Chaudhary, Advocate
for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Balwinder Sangwan, Advocate
for respondent No. 2.

MANISHA BATRA, J.

1. The present appeal has been filed by the appellant/complainant challenging the orders dated 03.03.2025 and 11.03.2025, respectively, passed by the Court of learned Additional Sessions Judge, Palwal in case arising out of FIR No. 245 dated 05.09.2024, registered under Sections 323, 420, 506, 120-B and 34 of IPC and Sections 3(1)(v) and 3(1)(x) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') at Police Station Mundkati, District Palwal, whereby respondent No. 2-Dinesh was granted concession of interim anticipatory bail and the same was made absolute, respectively.

2. Brief facts relevant for the purpose of disposal of the present appeal are that the aforementioned FIR was registered on the basis of a written complaint filed by the appellant/complainant Talewar Singh against respondent No. 2 Dinesh as well as Pappu and Sumair Singh, alleging therein that respondent No. 2, who was the Managing Director of M/s S.K. Developers, represented to the complainant that he owned land measuring about two kanals near Aurangabad, District Palwal, where he was developing a colony duly approved by the Haryana Government with necessary permissions, including CLU and assured provision of basic amenities. Accused Pappu and Sumair Singh, acting as property dealers in the area, endorsed the genuineness of the project. Relying on these representations, the complainant agreed to purchase a plot measuring 360 square yards at the rate of Rs. 4500 per square yard with payment to be made in installments. He paid a total sum of Rs. 3,26,500/- to respondent No. 2 Dinesh between November, 2018 and January, 2019 against receipts. Upon commencing construction, the complainant was confronted by one Diwan, who claimed prior purchase of the same plot from respondent No.2 Dinesh and threatened him to stop construction. When the matter was raised, respondent No. 2 Dinesh assured resolution and induced the complainant to pay an additional Rs. 50,000/- for settlement, following which construction was halted, causing financial loss. It

was further alleged that despite repeated requests for refund, respondent No. 2 failed to return the amount and instead issued two cheques which were dishonoured. It was further alleged that on 01.04.2019, six unknown persons allegedly entered the complainant's premises, used criminal force, took away Rs. 6,500/- and threatened him to vacate the property. Despite informing the police, no action was taken, which led him to file the complaint forming basis of registration of the present FIR.

3. After registration of the FIR, investigation proceedings were initiated. Apprehending his arrest, respondent No. 2 filed an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Palwal. Vide order dated 03.03.2025, passed by the Court concerned, he was directed to join the investigation and then on 11.03.2025, the interim bail granted to him was made absolute. Aggrieved from the same, the appellant has filed the present appeal seeking cancellation of anticipatory bail granted to respondent No. 2.

4. It is argued by learned counsel for the appellant that the impugned orders are liable to be cancelled as while extending benefit of anticipatory bail to respondent No. 2, the learned Additional Sessions Judge failed to appreciate that the ingredients of the alleged offences were prima facie made out against him. Moreso, in view of invocation of the provisions of SC/ST Act against respondent No. 2, there was a complete bar under Section 18-A of the SC/ST Act for grant of anticipatory bail to him, which was not taken care of by the Court concerned. Even, in compliance with the order dated 03.03.2025, respondent No. 2 had not joined investigation and the said

fact finds specific mention in the reply filed by the Investigating Officer but the Court concerned had made the interim bail granted to respondent No. 2 on 11.03.2025. It was also ignored by the Court concerned that respondent No. 2 had neither cooperated in investigation nor had got effected recoveries. It is, thus, argued that the impugned orders are liable to be set aside, the appeal deserves to be accepted and the benefit of anticipatory bail granted to respondent No. 2 is liable to be withdrawn.

5. Status report has been filed by respondent No.1-State. Learned State counsel has submitted that respondent No. 2 had joined investigation but had not cooperated in the same.

6. Learned counsel for respondent No. 2 has argued that there is no illegality or infirmity in the impugned orders and the same are based on correct appreciation of facts and law. There is no allegation against respondent No. 2 that he has ever misused the concession of bail. The grounds invoked by the appellant do not make out any case for cancellation of bail granted to respondent No. 2. Hence, it is urged that the appeal is liable to be dismissed.

7. This Court has heard the rival submissions.

8. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam vs. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the

Court granting bail ignores relevant material indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail. Reliance can further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for grant of anticipatory 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 (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others vs. State of Haryana :1995 SCC (1) 349***.

9. On applying the aforesaid principles to the facts of the present case, this Court finds that learned Additional Sessions Judge, Palwal, while granting anticipatory bail to respondent No. 2, has duly considered the overall facts and circumstances of the case. In the present case, the allegations against respondent No. 2 primarily arise out of a transaction relating to sale of a plot, wherein it is alleged that the same plot was sold to more than one person. The dispute, thus, predominantly bears the nature of a civil dispute with criminal overtones. The payments made by the complainant are also stated to have been made against receipts and the dispute regarding ownership and possession of the plot would necessarily require adjudication on the basis of documentary evidence. It is further noteworthy that the occurrence in question pertains to the period between the years 2018-2019, whereas the FIR came to

be registered in the year 2024. The delay in setting the criminal law into motion, though explained by the complainant, is a factor which cannot be completely overlooked at this stage, particularly while examining the correctness of an order granting anticipatory bail. As regards the contention of the appellant that there exists a bar under Section 18-A of the SC/ST Act, this Court finds that the applicability of the said bar would depend upon the existence of a prima facie case under the provisions of the SC/ST Act. From the allegations as noticed, it is not evident that the essential ingredients attracting the offences under the SC/ST Act are clearly made out, especially in the context of the dispute arising out of a property transaction. Therefore, at this stage, it cannot be said that the learned Court concerned committed any patent illegality in entertaining and allowing the application for anticipatory bail.

10. The argument that respondent No. 2 did not cooperate in the investigation also does not persuade this Court to interfere. The factum of non-joining of investigation by respondent No. 2, which is mentioned in the status report, relates to the period before he was granted interim bail and not after that. It is also well settled that non-recovery on the part of any accused cannot be made a ground to deny him concession of bail. There is no allegation that he has evaded investigation altogether or has misused the concession of bail by influencing witnesses, tampering with evidence or attempting to abscond. No subsequent supervening circumstance has been brought on record which would necessitate cancellation of bail. Moreover, it is not shown that the learned Additional Sessions Judge has ignored any

material piece of evidence or has taken into consideration irrelevant factors while granting anticipatory bail. The impugned orders reflect application of mind to the facts and circumstances of the case including the nature of allegations and the role attributed to respondent No. 2.

11. In view of the aforesaid discussion, this Court is of the considered opinion that no ground is made out to hold that the impugned orders suffer from perversity, illegality or result in miscarriage of justice so as to warrant cancellation of anticipatory bail granted to respondent No. 2. Consequently, finding no merit in the present appeal, the same is hereby dismissed.

30.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>