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

CRM-M-21228-2026

Raj Singh Yadav

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 20, 2026**Date of Uploading: April 21, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Rahul Deswal, 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.59 dated 09.03.2026 registered under Sections 318(4), 338, 336(3), 340(2), 61 (2) BNS, at Police Station City Ballabgarh, District Faridabad.

2. The gravamen of the instant FIR reflects that it has been registered on a written application filed by the Joint Commissioner, MC, Faridabad, who in his complaint has alleged that there was an encroachment upon government land comprised in Khasra No.94//2, situated at Uncha Gaon, Ballabgarh. It is further alleged that co-accused of the petitioner namely Raj Kumar Yadav, without any authority had falsely represented himself to be an authorized agent of BSNL and, on that basis, submitted forged and fabricated authorization documents before the Municipal Corporation to procure creation of a Property Identification (PID) in the

name of BSNL. It is further alleged that despite deficiencies in the application, the PID was created on the basis of such misrepresentation. Thereafter, in continuation of the said fraudulent design, the co-accused used the same forged documents before the office of the Sub-Registrar, Ballabgarh and got executed a lease/sale deed dated 07.08.2025 in favour of the petitioner (herein), thereby attempting to create third-party rights over the said government land. The FIR further reveals that upon verification from BSNL, it was revealed that the co-accused namely Raj Kumar Yadav was never authorized by BSNL, and the alleged authorization letter was not validly issued and that the documents relied upon were forged. Upon these set of allegations, the instant FIR came to be registered.

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 for the petitioner contends that the petitioner has been falsely implicated into the FIR in question and was not even named in the FIR at the initial stage. It is argued that no specific role or overt act has been attributed to him and the entire allegations are against co-accused Raj Kumar Yadav. It is further argued that the only allegation against the petitioner is that a lease deed dated 07.08.2025 has been executed in his favour. He has further argued that there is nothing on record to show that the petitioner had any knowledge of the alleged forgery or fabrication of documents. It is further submitted that the dispute is essentially civil in nature, which has been given a criminal colour. Learned counsel further submits that the entire case is based on documentary evidence which is already in possession of the police and nothing is to be recovered from the petitioner.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. 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 allegations against the petitioner is serious in nature, pertain to preparation and use of forged documents to grab the government land. It is further contended that the co-accused, in connivance with the present petitioner, fabricated authorization documents of BSNL and used the same to create a false PID and thereafter executed a lease deed in favour of the petitioner (herein). Learned State counsel further submits that the allegations involve a larger conspiracy and custodial interrogation of the petitioner is necessary to unearth the *modus operandi*, ascertain the involvement of other persons including the source and preparation of forged documents. 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. On the strength of these submissions, dismissal of the petition in hand 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, the allegations against the petitioner are grave and specific. The name of the petitioner has surfaced during the course of investigation. The allegations levelled in the

FIR in question *prima facie* indicates a planned conspiracy involving use of

forged documents to create right over the government land. The petitioner is a direct beneficiary in whose favour the lease deed has been executed. The argument raised by learned counsel for the petitioner that the dispute is civil in nature cannot be accepted at this stage.

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, (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

April 20, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No