

2026:PHHC:076141



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27149-2026

Sonu

....Petitioner

versus

State of Haryana and another

....Respondents

Date of Decision: May 14, 2026

Date of Uploading: May 14, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Kumar Rai, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Gurjeet Singh, Advocate for the complainant.

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.037 dated 17.03.2026, registered for the offences punishable under Sections 316(2), 318(4), 61(2) of the BNS, 2023, at Police Station Shahzadpur, District Ambala.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Ombir Singh Rana alleged cheating and misappropriation of an amount of Rs.15 lakh. It was averred that the accused persons, including the petitioner, had entered into an agreement to sell land measuring 128 kanals and 10 marlas, i.e. approximately 16.5 acres, for a total sale consideration of Rs.4,78,50,000/-. Pursuant thereto, the accused persons allegedly received

earnest money amounting to Rs.15 lakh on 03.07.2024, and the date for execution of the sale deed was fixed for 03.12.2024. It was further alleged that the accused persons failed to appear before the Sub-Registrar on the stipulated date, whereupon the complainant marked his presence before the office of the Sub-Registrar and thereafter issued a legal notice to the accused persons. Despite the same, the accused persons allegedly did not appear before the Sub-Registrar even on 10.01.2025. According to the complainant, the accused persons subsequently backed out of the agreement to sell and started demanding consideration at the rate of Rs.31,50,000/- per acre instead of Rs.29 lakh per acre, as had allegedly been agreed earlier between the parties. Thereafter, another agreement was executed between the parties on 09.05.2025, under which the date fixed for execution of the sale deed was 16.05.2025. However, on the said date as well, the accused allegedly failed to appear before the office of the Sub-Registrar, Shahzadpur. On the basis of the aforesaid allegations, the complainant alleged that he had been cheated by the accused, who had wrongfully retained and grabbed his amount of Rs.15 lakh.

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 has iterated that the entire dispute is purely civil in nature; however, the complainant has given the same a criminal colour. Learned counsel has submitted that ingredients to invoke Section 318(4) of the BNS are completely absent as there is no allegation that the petitioner had any dishonest or fraudulent intention at the very inception of the transactions in respect of agreement to sell in question. Learned counsel has further submitted that the

earnest money was received as a part of sale consideration and was not

entrusted to the petitioner for a specific purpose. It has been urged that the complainant has used the criminal justice system just to exert pressure on the petitioner for settling the civil dispute.

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 offence committed by the petitioner is serious in nature. Learned State counsel has asserted that the petitioner and his co-accused has cheated the complainant to a sum of Rs.15,00,000/- on the pretext of selling land in question. Considering the seriousness of the allegations, custodial interrogation of the petitioner is necessary to unearth the broader conspiracy and recover the ill-gotten money. 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.

4.1. Learned counsel for the complainant has vehemently opposed the grant of petition in hand by arguing that the allegations against the petitioner and his co-accused are serious in nature. The petitioner and his co-accused, despite having been entered into two agreement to sell the land in question, and also having received earnest money to the tune of Rs.15,00,000/-, did not honor

the said agreement to sell and even sold the land in question to someone else,

thereby, playing fraud/ cheat with the complainant. It has been contended that, in case, the petitioner is granted concession of anticipatory bail, there is all likelihood that the petitioner may abscond from the process of justice. On 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. A perusal of the material on record shows that there is a *prima facie* case of cheating involving a substantial amount of ₹15,00,000/- against the petitioner and his co-accused. The material *prima facie* indicates that despite having entered into an agreement to sell the land in question in his favour, the petitioner and his co-accused subsequently sold the very same land to other accused. It is further revealed that the first agreement to sell regarding the said land was executed between the complainant and the petitioner and his co-accused on 03.07.2024 for sale of land measuring 128 kanals and 28 marlas, i.e., approximately 16.5 acres, at the rate of Rs.29 lakh per acre for a total sale consideration of Rs.4,78,50,000/-. Thereafter, a second agreement to sell with respect to the same land was executed on 03.12.2024, wherein the sale consideration was enhanced from Rs.29 lakh per acre to Rs.31,50,000/- per acre. The complainant had alleged that the complainant had marked his presence before the office of the Sub-Registrar and had also served a legal notice upon the petitioner and his co-accused seeking execution of the sale deed, but the same was not responded to. The complainant instituted a civil suit in respect of the said agreement; however, during the pendency of the said suit, the petitioner and his co-accused allegedly proceeded to sell the land in question to other accused. The aforesaid

facts *prima facie* indicate that despite having entered into agreements to sell the

land in question in favour of the complainant and having received an amount of Rs.15 lakh as earnest money, the petitioner and his co-accused alienated the same property to other person, thereby disclosing an intention to cheat the complainant and wrongfully retain his money.

6.1. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. 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

May 14, 2026
mahavir

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