

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:049317



CRM-M-30389-2025 (O&M)

Rahul Lalwani

... Petitioner

Vs.

State of Haryana

... Respondent

1.	The date when the judgment is reserved	25.03.2026
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 whether the 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.S. Rai, Senior Advocate with
Mr. Vishal Sharda, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Vinod Ghai, Senior Advocate with
Mr. Pratap Singh, Advocate and
Mr. Vijay Dahiya, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.80, dated 05.05.2025, registered under Sections 420, 467, 468, 471 and 511 IPC, at Police Station Sector-37, District Gurugram.

2. The aforementioned FIR was registered on the basis of a written complaint filed by complainant – Brij Lal Lalwani, alleging therein that he had purchased some land situated in village Mohammadpur Jharsa, Sector-36, Gurugram, Haryana vide a registered sale deed dated 17.08.1988. His son Girdhar Lalwani in connivance with the present petitioner, who is grandson of the complainant and his wife Sulakshna Lalwani with an intent to grab the said property, prepared a forged and fabricated document purported to be a deed of gift of the aforementioned property by him, in favour of his son Girdhar Lalwani. It was alleged that the said gift deed neither bore his signatures nor it was a registered document. He came to know about the existence of such gift deed only when his son filed a civil suit bearing No.2839 of 2024. By alleging that previously, he had also filed a civil suit bearing No.4361 of 1998 against his son Girdhar Lalwani seeking injunction against them thereby restraining them from entering in his house or office as they had been harassing him and that he had been cheated and defrauded at the hands of his son, the petitioner and co-accused Sulakshna Lalwani, he prayed for taking action in the matter.

3. On his complaint, the aforementioned FIR was registered. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional

Sessions Judge, Gurugram vide order dated 26.05.2025.

4. Vide order dated 28.05.2025 passed in this petition, the petitioner had been granted interim bail and had been directed to join investigation.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has no concern with the property owned by his grandfather which belongs to HUF of which his father and grandfather i.e. the complainant are part of. He has no interest in that property and had only been looking after the Gaushala existing on this property for the purpose of charity. He does not intend to take any share from this property. The complainant had executed a General Power of Attorney in favour of his father to contest litigation which has ensued on account of acquisition proceedings initiated by the State Government. It was his father, who had been looking after the property in question ever since then and has been maintaining the temple and gaushala existing over the same as a power of attorney holder of the complainant. A trust deed has been created to manage the gaushala property as his father was unable to manage it alone. The complainant had probably sold this property to someone else. A civil suit for declaration has been filed by his father and as a counter-blast to the same, this FIR has been lodged by the complainant. The petitioner was only 05 years old at the time of making of alleged gift deed and hence could not be stated to have any role to play in preparation of the same. He was not even named in the FIR and it was only in supplementary statement of the complainant that he was named. His custodial interrogation is not at all required. He is ready to join the investigation. No recovery is to be effected

from him. It is, therefore, urged that he deserves to be extended the benefit of bail.

6. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner and co-accused, who by hatching a conspiracy with each other, executed a trust deed for running a temple and gaushala existing over the disputed property thereby becoming beneficiaries of the entire property. He has not cooperated with investigation. For conducting thorough and proper investigation in to the matter, custodial interrogation of the petitioner is must. Recovery of the amount of money which has been usurped by the petitioner and co-accused, being beneficiaries from the gaushala and temple has also to be effected. It is, therefore, argued that he does not deserve to be extended the benefit of bail.

7. This Court has heard rival submissions made by learned counsel for the parties.

8. The petitioner in connivance with his father is alleged to have forged and fabricated a gift deed purported to be issued in favour of his father by the complainant. As per the allegations, the petitioner being one of the trustees of the temple and gaushala existing over the disputed land, has also become beneficiary thereof in an illegal manner. The gift deed which is alleged to have forged and fabricated is prepared in favour of the father of the petitioner i.e. co-accused Girdhar Lalwani and not the present petitioner. This gift deed was executed in the year 1993 when the petitioner was of a very young age. As such, it is a matter of debate as to whether he was having any hand in execution thereof or not? So far as the allegation that a trust deed for looking after the gaushala and temple existing over the disputed

property, has been created in favour of the petitioner and co-accused is concerned, the matter in this regard is based on documentary evidence, which is already in custody of the Investigating Agency and as such, custodial interrogation of the petitioner is not required for the purpose of recovery of such document.

9. Taking into consideration the above discussed facts as to the role which can be assumed to be played by the petitioner, the nature of subject offences and the circumstances peculiar to this case, this Court is of the considered opinion that pre-trial incarceration of the petitioner, who has already joined investigation is not required. So far as non-recovery of money is concerned, there is no specific assertion regarding the same. More so, mere non recovery cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '**Jagdish Thakkar vs. State of Delhi**', 1992 (3) CCR 2764' and in case titled as '**Pooran Singh vs. State of Delhi**', 2022(1) RCR (Criminal) 503. So far as the contention that the petitioner has not cooperated in the investigation is concerned, it may be stated that the behaviour attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self-incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. The purpose of joining investigation is to make oneself available to the Investigating Agency and to respond to lawful queries and not to divulge self-incriminating information.

10. In view of the discussion as made above, this Court is of the opinion that pre-trial incarceration of the petitioner is not required. As such,

without commenting on merits of case, this petition is allowed and the order dated 28.05.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

11. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

30.03.2026

(MANISHA BATRA)
JUDGE

harjeet

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