



102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34792-2024
Date of Decision:27.02.2026

Rajesh ...Petitioner
Vs.
State of Haryana and Ors. ...Respondents

(ii) CRM-M-36205-2024
Rajesh ...Petitioner
Vs.
State of Haryana and Anr. ...Respondent.

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Aniket Sindhar, Advocate
for the petitioner(s).

Mr. Parmod Kumar AAG, Haryana.

Mr. Nitin Bhanwala, Advocate
for the respondents.

N.S.Shekhawat J. (Oral)

1. This order shall dispose off two criminal petitions i.e CRM-M-34792-2024 titled as “*Rajesh Vs. State of Haryana and Ors.*” and CRM-M-36205-2024 titled as “*Rajesh Vs. State of Haryana and Anr.*”, whereby, the petitioner primarily prayed for setting aside the order dated 26.02.2024 (Annexure P-13) passed by the Court of Additional Sessions Judge, Panipat, whereby, an application for cancellation of bail of the respondents, was ordered to be dismissed in case arising out of FIR No.1534, dated 04.11.2023, under Sections 120-B,406,420 of IPC, Police Station City, Panipat. It was also



further prayed that the orders, whereby, the private respondents were granted the concession of interim bail, may also be set aside.

2. The FIR in the present case was registered on the basis of a complaint moved by petitioner/complainant and the same has been reproduced below:-

“To Superintendent of Police, Panipat, Subject: Application for lodging FIR regarding embezzlement against Sushila Maan, Advocate Rakesh Maan, Vikas Maan residents of Sugar Mills Colony, Panipat and to save the life and property of the applicant. Respected sir, that the applicant Rajesh son of Sh. Hari Parkash resident of Ward No. 30, Raj Nagar, Panipat earns his livelihood by shop-keeping to maintain himself and his family. The applicant executed an agreement to sell on dated 29.04.2023 of a plot with the above named accused persons through an agent namely Amit Duhan wherein the applicant gave Rs. 5,00,000/- cash on dated 29.04.2023, Rs. 1,00,000/- cash on dated 12.08.2023 and on dated 25.08.2023 gave Rs. 9,00,000/- in cash and a cheque amounting to Rs. 9,50,000/- to the accused persons but the accused person namely Rakesh Maan, who is an advocate in Panipat Courts, Vikas Maan who is the brother of the accused Rakesh Maan and Sushila Maan who is the mother of the accused Rakesh Maan, told me and the agent Amit Duhan that there is a bank loan on the plot in question, so instead of the payment through above mentioned cheque, the applicant should transfer the money through RTGS transaction. On this, after trusting the accused Rakesh Maan, the applicant had made the payment of Rs. 9,50,000/- through RTGS transaction into the bank account of the accused Sushila Maan but the accused persons Rakesh Maan, Vikas Maan and Sushila Maan, while hatching a criminal conspiracy to defraud the applicant, called the applicant and the agent Amit Duhan to the Court complex on 31.08.2023 and stated



that the applicant should take the refund of all the amount after deducting Rs. 5,00,000/- as they do not want to sell the plot to the applicant, to which the agent and my friend Amit Duhan told them that if they do not want to sell the plot, then they should refund all the money as has been received by them. After hearing this accused Rakesh Maan got furious and abused my friend Amit Duhan and threatened that he is an advocate and will implicate him in such a case that he will remember and threatened other persons who were accompanying the applicant and the applicant and my friend Amit Duhan were threatened that we will be implicated in false cases and that he will kill us and refused to return the money which was illegally obtained by him and again threatened that he will lodge a false complaint against us. The applicant has video recordings of the accused persons and the text messages of calling us to the court complex and copy of the written agreement of the accused persons. We can provide all the proofs at the time of need. You are humbly requested to kindly take strict appropriate action against the accused persons who threatening to kill us. I shall be forever thankful. Sd/- Rajesh son of Sh. Hari Parkash resident of Ward No.30, Raj Nagar, Panipat, Mobile No.9050812500.”

3. Learned counsel for the petitioner contends that from the allegations levelled by him in the FIR, it was apparent that the private respondents had cheated the petitioner. Even, respondents No.2 & 3 in CRM-M-34792-2024 namely Rakesh Mann and Vikas Mann are well educated persons and were legally qualified, yet they witnessed the illegal transaction between the petitioner and Sushila Maan, respondent No.2 in CRM-M-36205-2024. Rakesh Maan, respondent No.2 orchestrated another fraud on the petitioner, whereby, he called the petitioner and Amit Duhan to his chambers at District Court Complex, Panipat on the pretext of settling the



matter with him. However, they wanted to create pressure on the petitioner and Amit Duhan, illegally. Learned counsel further submits that respondent No.2 filed a Criminal Writ Petition before this Court seeking protection of life and liberty against Amit Duhan. However, the parties were referred to Mediation and Conciliation Centre of this Court. Even, in the meantime, respondents No.2 and 3 namely Rakesh Maan and Vikas Maan in CRM-M-34792-2024 filed an application for grant of anticipatory bail before the Additional Sessions Judge, Panipat and they wrongly submitted that they had deposited an amount of Rs.13 lacs by way of demand draft before this Court. Due to the said wrong statement and misleading averments, the concession of anticipatory bail was granted to the private respondents in both the petitions. Learned counsel further submits that the private respondents had made wrong statements at every stage of the proceedings and does not deserve the concession of anticipatory bail. Still, the concession of anticipatory bail granted to the respondents was liable to be withdrawn by this Court.

4. On the other hand, learned counsel appearing on behalf of the private respondents vehemently argued that it is an admitted fact that a civil suit for declaration for cancellation of agreement to sell has been filed by the respondents against the complainant party, whereas, a civil suit for possession by way of specific performance of the contract had been filed by the petitioner against the private respondents. Consequently, the civil litigation between the parties is already pending before the competent Courts and the custodial interrogation of the respondents may not be required. Apart from that, the respondents have already handed over the documentary evidence to the police



and their custody would not serve the meaningful purpose. Still, their custodial interrogation is not required by the police.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. The Hon'ble Supreme Court has held in the matter of M. Dharmarajam and others Vs.State of Telangana and Anr., 2020(1) RCR Criminal, 540 as follows:-

6.The factors to be considered while granting bail have been held by this Court to be the gravity of the crime, the character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the evidence and witnesses, and obstructing the course of justice etc. Each criminal case presents its own peculiar factual scenario, and therefore, certain grounds peculiar to a particular case may have to be taken into account by the Court. The Court has to only opine as to whether there is prima facie case against the accused. For the purpose of bail, the Court must not undertake meticulous examination of the evidence collected by the police and comment on the same.

7.In Raghubir Singh Vs. State of Bihar, (1986) 4 SCC 481 this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not

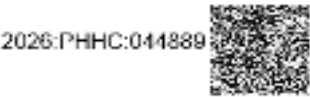


exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.

8.It is trite law that cancellation of bail can be done in cases where the order granting bail 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”

7. From a perusal of the impugned orders, it is evident that the Court of Additional Sessions Judge, Panipat had granted the bail to the private respondents after noticing the factors that the case was based on documentary evidence and the Investigating Officer had clearly stated that they had joined the investigation. Apparently, even the petitioner has not been able to show that the custodial interrogation of any of the respondents was required in the present case. Apart from that, it is also on record that both the parties have availed their civil remedies before the competent Courts of law. Even, the FIR was registered on 04.11.2023 and the investigation has also been completed in the present case. Consequently, there was no justification of cancelling the bails of private respondents.

8. Apart from that, the petitioner has raised certain arguments, touching the merits of the case, however the concession of anticipatory bail cannot be withdrawn by reappreciating the merits of the case. Rather, the order regarding cancelling of bail is a very harsh order and should not be passed in



routine by the High Court. Even, the petitioner has also failed to show as to how the private respondents had misused the concession of anticipatory bail or if there are any chances of tampering with the prosecution evidence. Even, there is no material on record to suggest that the private respondents may abscond from the process of law.

9. Consequently, finding no merits in the petitions, the same are ordered to be dismissed.

10. Ordered accordingly.

27.02.2026

hitesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(N.S.SHEKHAWAT)

JUDGE