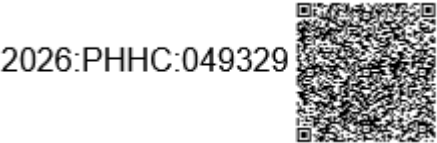


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-31786-2025 (O&M)

Girdhar Brijlal 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 i.e. the present petitioner with an intent to grab the said property in connivance with the co-accused, who is grandson of the complainant and wife of the petitioner, namely, Sulakshna Lalwani respectively, prepared a forged and fabricated document purported to be a deed of gift of the aforementioned property by him in his favour, though, the complainant had never executed any gift deed in favour of the petitioner. 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 when the petitioner 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 the petitioner and the co-accused seeking injunction against them thereby restraining them from entering in his house or office as they had been harassing him and that the petitioner and co-accused had cheated and defrauded him, prayed for taking action. 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 02.06.2025.

3. It is relevant to mention here that vide order dated 09.06.2025, the petitioner had been directed to join investigation. Learned State counsel assisted by learned senior counsel for the complainant has argued that though the petitioner has joined investigation but he has not cooperated with the investigation and has also given evasive replies to the questions put to him. It is, therefore, argued that for conducting thorough and proper investigation in the matter, for recovery of the original gift deed as well as other documents and the money which has been usurped by the petitioner being beneficiary of the property in dispute by creating trust over the gaushala and temple, his custodial interrogation is must. It is, thus, stressed that the petition does not deserve to be allowed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant, who is his father had executed a gift deed qua the property in question in his favour in the year 1993. However, the petitioner did not avail any benefit on the basis of such gift deed. The property in question infact belongs to HUF. The complainant has manipulated the real facts and has suppressed material documents. Infact, he has sold this property on 16.09.2024 without any legal necessity and without informing his family members. The petitioner along with his father was part of HUF at the time of purchase of this property in the year 1988 and the same was purchased in that capacity only. His father had executed a General Power of Attorney in his favour in the year 2015 when

the entire land in question was sought to be acquired by the State Government. He had been looking after the temple and gaushala existing over this property. The trust deed had been executed by him with the co-accused only for the purpose of proper management of the property in question. The FIR has been lodged by his father as a counter-blast to the civil suit filed by him seeking declaration with regard to his right over the disputed property, the same being HUF property. There is inordinate delay in lodging of the FIR. The case is based on documentary evidence. His custodial interrogation is not at all required. He has already joined investigation and is ready to join further investigation as well. No recovery is to be effected from him. It is, therefore, urged that he deserves to be extended the benefit of bail.

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

6. The petitioner in connivance with the co-accused is alleged to have got prepared a false and fabricated gift deed purported to be executed by his father, thereby gifting the property owned by him in favour of the petitioner. The petitioner has claimed that though gift deed was executed in 1993, by his father but he has not derived any benefit from the same nor intends to take any such benefit in future. The petitioner himself has not placed any copy of this gift deed on record, however, a copy of the same is shown to have been tagged with the reply as filed by the respondent/State in the connected CRM-M-29024-2025 as filed by the co-accused and on a perusal of this document which is a photocopy, it is revealed that the same is shown to have been executed by the complainant in favour of the petitioner

way back in the year 1993. It is this very document which is alleged to have been forged by the present petitioner. The civil suit claiming relief on the basis of this gift deed had been filed by the petitioner in the year 2024, though, he had withdrawn it as on 29.09.2024. This gift deed has thus seen the light of the day only after filing of civil suit by the petitioner. Even after joining investigation in this case, the petitioner has not got the same recovered.

7. On a perusal of the status report, it is revealed that during the course of investigation, statements of some relevant witnesses had been recorded which show that at the time of filing of Civil Suit No.2839 of 2024, it was the petitioner, who had sent a copy of the gift deed to witness, Dharampal and the latter had given it to the counsel engaged by the petitioner, who had annexed the said copy with the plaint of the said civil suit. The impugned gift deed, as such, is *prima facie* shown to be attempted to be used by the present petitioner. The authenticity of the said gift deed is obviously under cloud. It is not the version of the petitioner that the original gift deed is not in his possession. The allegations, as such, make out a *prima facie* case for commission of subject offences against him. Though, he has joined investigation, however, for the purpose of conducting thorough and proper investigation into the matter, to elicit information as to the manner in which the impugned gift deed was prepared and with whose connivance, custodial interrogation of the petitioner is must. Even otherwise, the petitioner cannot be held entitled to be given concession of pre-arrest bail. The well settled proposition of law is that custodial interrogation can be one of the relevant aspects to be considered along with other grounds while

deciding an application seeking anticipatory bail. The *prima facie* case against an accused cannot be ignored or overlooked if custodial interrogation is not required. The nature of the offence and severity of punishment are also to be taken into consideration. Reliance in this regard can be placed upon the observations made by the Hon'ble Supreme Court in **Sumitha Pradeep Vs. Arun Kumar C.K. & another, (2022) 17 SCC 391**, wherein it was observed so.

8. In the peculiar circumstances of this case, where a *prima facie* case for commission of the subject offences is made out against the petitioner, this Court finds no compelling reason to allow the instant petition. Moreso, the well settled proposition of law is that powers for grant of anticipatory bail should be exercised in exceptional or sparing circumstances whereas no such circumstance is made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

30.03.2026

harjeet

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