



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

104

CRM-M-32725-2026

Date of decision : 04.06.2026

SHRIMATI DEVI

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. S.K. Bhar, Advocate for
Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Aman Mittal, DAG, Haryana.

Mr. Ankit Bishnoi, Advocate
for the complainant.

SURYA PARTAP SINGH, J. (Oral):

1. This petition for pre-arrest bail, is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.396 dated 15.10.2025, for the commission of offence punishable under Sections 471, 468, 467, 420, 120-B of Indian Penal Code, 1860, Police Station Ballabhgarh City, District Faridabad.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of Joint Commissioner, Municipal



Corporation Faridabad, hereinafter being referred to as complainant only. The pith and substance of the above-mentioned complaint is that by adopting fraudulent means i.e. by forging a false sale deed, a wrong property ID has been created by the petitioner, and thus, she committed the above-mentioned offence.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. Aman Mittal, DAG, Haryana, accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. No formal reply has been filed by the State. However the learned State counsel has orally opposed the present petition.

5. Mr. Ankit Bishnoi, Advocate, appears on behalf of complainant. He has filed a memo of appearance. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that there is no dispute qua the fact that on 11.09.2025 a sale deed with regard to a plot admeasuring 100 square-yards was executed in favour of petitioner, and thus, petitioner became owner of the above-mentioned property. According to learned counsel for the petitioner, there is no question mark qua the legality of above-mentioned sale deed. It has been further contended by learned counsel for the petitioner that the petitioner is an innocent illiterate lady, who does not know the intricacies of law.

8. According to learned counsel for the petitioner, the petitioner has been falsely implicated in the present case without looking into the fact that



she has no nexus whatsoever with the commission of alleged offence. As per learned counsel for the petitioner, no forged document, whatsoever, has been created by the petitioner, and that the entire evidence to be collected by the Investigating Agency is documentary in nature, and therefore, custodial interrogation of the petitioner is not likely to produce a fruitful result. On the basis of above-mentioned ground, the benefit of anticipatory bail has been sought for the petitioner.

9. The above-mentioned arguments have been controverted by learned State counsel, being assisted by learned counsel for the complainant. According to learned State counsel in the present case the petitioner with an intention to commit fraud, supplied a forged copy of sale deed, wherein the area of land purchased by her was recorded 120 square-yard, whereas as per the record available with the office of Registrar the sale deed executed in favour of petitioner was with regard to a plot admeasuring 100 square-yard. As per learned State counsel since the area of land purchased by the petitioner has been fraudulently increased in the sale deed, it amounts to forgery and creation of false documents. According to learned State counsel the above-mentioned document is a valuable security, and therefore, in view of gravity of offence, the petitioner is not entitled to the benefit of bail.

10. The record has been perused carefully.

11. In the present case the most crucial fact to be taken into consideration is that there appears to be no dispute qua the fact that on 11.09.2025, the petitioner by virtue of sale deed bearing Vasika No.6668 purchased a plot admeasuring 100 square-yard. However, as per documents



collected by the Investigating Officer, which was used for generating property ID, the sale deed produced by the petitioner was showing the area, of plot of the petitioner, to be 120 square-yard.

12. In addition to above, another relevant fact to be noted in the present case is that there are allegations that in the name of his plot the petitioner has created a property ID with regard to a plot which belongs to a third person.

13. In the present case once, it is *prima facie* established that there has been interpolation in the sale deed dated 11.09.2025 and the beneficiary of above-mentioned interpolation is the petitioner, who had created a property ID, it is hereby held that in order to fix the role of the petitioner in the commission of offence, and also to find out the role played by other persons in the commission of above-mentioned crime, custodial interrogation of the petitioner is necessary.

14. It is settled principles of law that custodial interrogation of an accused is a valuable right of Investigating Agency and in ordinary course the above-mentioned right available to the Investigating Agency should not be denied. The factual matrix of the present case shows that if such right is denied to the petitioner, the investigation may suffer a severe set back and may not reach to a logical conclusion.

15. It is pertinent to mention here that the petitioner has approached this Court for the concession of anticipatory bail, and it is settled principle of law that the above-mentioned concession is a discretion to be exercised by the Court in a judicious manner. With regard to circumstances in which the above-



mentioned discretion should be exercised, the guidelines have been prescribed by the Hon'ble Supreme Court of India in various judicial pronouncements. In this regard in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', it has been observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

16. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

17. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024', the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

18. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565', the Hon'ble Supreme Court of India held that:-



- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

19. As a sequel to above-mentioned discussion, if the factual matrix of the present case is analyzed in the light of above-mentioned principles of law, it transpires that instant case is not a fit case, wherein the discretion in favour of petitioner should be exercised. Thus, it is hereby held that the present petitioner at this stage is not entitled to the benefit of anticipatory bail and the same is devoid of merit and deserves dismissal. The same is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

04.06.2026
vipin

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