



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

**CRM-M No.33483 of 2026
Date of decision: 11.06.2026**

Santosh Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Ravi Kant Berwal, Advocate for
Mr. Kartik, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The present is the first petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding Section 438 Cr.P.C.) for grant of anticipatory bail to the petitioner in case FIR No.77 dated 24.03.2026, registered under Sections 61(2), 318(4), 329(4), 336(3), 338, 340 and 351(2) read with Section 3(5) of BNS, 2023 (corresponding Sections 120-B, 420, 448, 468, 467, 470, 506 IPC) at Police Station Sadar Ballabgarh, District Faridabad.

2. Briefly stated, the present FIR was registered on the basis of complaint submitted by complainant Dharambir Singh and forwarded by the Office of ACP, Tigaon, Faridabad. The complainant alleged that his father had purchased Plot No.184, measuring 217 square yards, situated in the revenue estate of Sahupura, from Bhagwati Devi vide an agreement to



sell dated 20.03.2015. Since registration of sale deeds was restricted at the relevant time, the agreement was stated to be a full and final payment agreement. Thereafter, the complainant's father allegedly raised construction over the plot, let it out on rent and obtained an electricity connection in his name. The complainant further alleged that on 07.02.2026, he came to know that certain persons, including Bachchan Saini, had forcibly occupied the disputed plot. Upon inquiry, it was revealed that Jitender and his sisters, namely Santosh Rani and Mithlesh, had allegedly executed another agreement to sell in favour of Brij Kishore. It was also alleged that the accused persons threatened the complainant with dire consequences and removed the electricity connection installed in the name of his father. On these allegations, FIR was registered under Sections 318(4), 329(4) and 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. During investigation, the statement of co-accused Mithlesh was recorded, wherein she allegedly denied having come to Faridabad for execution of the agreement to sell in favour of Brij Kishore. Consequently, Sections 61(2), 336(3), 338 and 340(2) of the BNS were also added.

3. Learned counsel appearing for the petitioner contends that the petitioner has been falsely implicated in the present case, which essentially arises out of a long-standing civil dispute regarding title and possession of the disputed plot. It is submitted that the complainant party claims rights over the property on the basis of an Agreement to Sell dated 20.03.2015 allegedly executed by the original owner, Bhagwati Devi, in favour of the



complainant's father, whereas the petitioner derives her claim through a subsequent transaction executed by the legal heirs of the original owner. Learned counsel submits that the dispute is purely civil in nature and that a civil suit for specific performance concerning the same property is already pending adjudication before the competent Civil Court. It is further argued that the criminal proceedings have been initiated only to exert pressure upon the petitioner and other accused persons in the pending civil litigation. Learned counsel further submits that the petitioner herself is a victim of property fraud and had lodged a detailed complaint with the Police Commissioner, Faridabad, much prior to the registration of the present FIR, seeking action against the persons allegedly involved in the fraudulent transactions relating to the disputed property. It is contended that the said aspect has been completely overlooked by the investigating agency. It is further submitted that co-accused Brij Kishore and Jitender Yadav have already been granted interim protection by this Court. Learned counsel also submits that pursuant to the ad-interim anticipatory bail granted by learned Additional Sessions Judge, Faridabad vide order dated 13.04.2026, the petitioner duly joined the investigation and fully cooperated with the investigating agency. It is argued that the petitioner has neither misused the concession of interim protection nor evaded the investigation at any stage. However, vide order dated 27.05.2026, the prayer for anticipatory bail was declined on the ground that the petitioner had failed to cooperate with the investigation. Lastly, learned counsel contends that no custodial interrogation of the petitioner is required, as the



entire case is based on documentary evidence, which is already in possession of the investigating agency. Accordingly, it is prayed that the petitioner be granted the concession of anticipatory bail.

4. Notice of motion.

5. On the asking of the Court, Mr. Vaibhav Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State.

6. Mr. Anurag Mor, Advocate and Mr. Sachin Jangra, Advocate, appear on behalf of the complainant and filed *Vakalatnama*, which is taken on the record.

7. Learned State counsel, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail. It is contended that the petitioner has been specifically named in the FIR and is an active participant in the alleged offences. Learned counsel further submits that although the petitioner was granted interim anticipatory bail by learned trial Court but she failed to fully cooperate with the Investigating Agency during the course of investigation and, therefore, she does not deserve the concession of anticipatory bail. Accordingly, prayer has been made for dismissal of the present petition.

8. I have heard learned counsel for the petitioner and learned State counsel and have perused the record.

9. A perusal of the record reveals that vide order dated 13.04.2026, the petitioner was granted interim anticipatory bail by the learned Court below and was directed to join the investigation. However, vide order dated 27.05.2026, the prayer for anticipatory bail was declined



primarily on the ground that the petitioner had failed to cooperate with the investigation and that her custodial interrogation was required.

10. Perusal of the said order further shows that the principal reason assigned for holding that the petitioner had not cooperated with the investigation is that she did not furnish satisfactory answers to the queries put by the Investigating Agency regarding the person who had attested the impugned agreement to sell and the person who had appended the signatures of Mithlesh thereon. The learned Court below was of the view that custodial interrogation of the petitioner was necessary for eliciting answers to the aforesaid questions.

11. Mere inability or failure of the petitioner to answer the aforesaid questions cannot, by itself, be construed as non-cooperation with the investigation. The record does not indicate that the petitioner failed to join the investigation pursuant to the interim protection granted to her or that she avoided appearance before the Investigating Officer whenever called upon to do so. Cooperation in investigation has to be understood as joining the investigation and making oneself available to the Investigating Agency. An accused can certainly be required to participate in the investigation; however, she cannot be compelled to make statements or furnish answers which may be self-incriminatory or which are not within her knowledge. The obligation to cooperate with the investigation is distinct from an obligation to provide answers satisfying the Investigating Agency. Therefore, merely because the petitioner did not provide the answers expected by the Investigating Agency, the same would not



necessarily justify an inference that she was not cooperating with the investigation.

12. Furthermore, the questions as to who attested the agreement to sell and who appended the signatures of Mithlesh thereon are matters which the Investigating Agency is otherwise required to investigate and establish on the basis of material collected during investigation. At least at this stage, custodial interrogation of the petitioner solely for the aforesaid purpose does not appear to be warranted.

13. Keeping in view the totality of the facts and circumstances of the case, particularly the fact that the petitioner had already joined the investigation pursuant to the order dated 13.04.2026 and without expression any opinion on the merits of the controversy, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail.

14. Consequently, the present petition is allowed. In the event of arrest, the petitioner shall be released on anticipatory bail, subject to her furnishing requisite bail bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer and subject to the conditions envisaged under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

15. However, nothing observed herein shall be construed as an expression on the merits of the case.

16. All pending applications, if any, also stand disposed of.

11.06.2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No