



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

**CRM-M-33667-2026
DECIDED ON: 12.06.2026**

LACHHAMI

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohinder Kumar, Advocate,
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 Cr.P.C.) seeking grant of anticipatory bail to the petitioner in FIR No.37 dated 17.03.2026 registered under Sections 316(2), 318(4), 61 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 406, 420, 120-B IPC) at Police Station Shahzadpur, District Ambala.

2. Brief facts

The prosecution case, as projected in the FIR, is that respondent No.2/complainant alleged that the petitioner along with her sons had entered into an agreement to sell agricultural land measuring about 128 Kanal 10 Marla situated at Village Korwa Khurd, Tehsil Shahzadpur, District Ambala



for a total consideration of Rs.4.78 crores. It is alleged that earnest money was received and thereafter the accused persons committed cheating.

The case of the petitioner, however, is that the dispute is arising out of an agreement to sell and is purely civil in nature. The petitioner and her sons had executed an agreement to sell after negotiations, but the complainant failed to honour his part of the agreement. The cheques issued towards earnest money were dishonoured and legal notices were exchanged. The agreement was thereafter rescinded and the amount was forfeited as per the petitioner. The complainant subsequently instituted civil proceedings for specific performance. It is further submitted that the petitioner is a 70-year-old lady, widow, suffering from old age ailments and is not involved in any other criminal case.

3. Submissions on behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated. The entire dispute relates to performance of an agreement to sell and the complainant has already approached the civil Court by filing a suit for specific performance. It is argued that criminal proceedings cannot be used as a pressure mechanism for settling a civil dispute.

It is further argued that no recovery is to be effected from the petitioner, custodial interrogation is not required, all offences are triable by a Magistrate and the petitioner is willing to join investigation and abide by any condition imposed by this Court.

4. Submissions on behalf of respondent-State



Learned State counsel, on instructions, opposes the prayer for anticipatory bail on the ground that the allegations involve cheating and conspiracy and custodial interrogation may be required for a fair investigation.

However, learned State counsel fairly submits that the petitioner is an elderly lady and the investigation is at the initial stage. It is also not disputed that the petitioner is not involved in any other criminal case.

5. Analysis

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

The allegations arise out of an agreement to sell and the parties have already entered into civil litigation. The existence of the agreement, payment terms, dishonour of cheques and rescission of agreement are matters which require adjudication in accordance with law. At this stage, this Court does not find it appropriate to permit arrest of the petitioner merely on account of a dispute which has substantial civil overtones.

The petitioner is stated to be an elderly lady of 70 years and no specific role requiring custodial interrogation has been pointed out. The petitioner has undertaken to join investigation and cooperate with the investigating agency.

The object of anticipatory bail is to protect personal liberty while ensuring that the investigation is not hampered. In the facts and circumstances of the case, the petitioner deserves the concession of pre-arrest bail.



6. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

12.06.2026

Jyoti-V

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No