



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

309

CRM-M-53336-2025

Date of decision: 16.02.2026

Jitender Aggarwal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Sahil Goel, Advocate for the petitioner. (through VC)

Mr. Vishal Singh, AAG, Haryana.

Mr. Alok Mittal, Advocate and

Mr. Sylvester, Advocate for respondent No.2.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.128 dated 28.08.2025 registered against him at Police Station City, Gurugram District Gurugram, for the commission of offences punishable u/s 120B, 420, 467, 468, 471 IPC, has prayed for grant of pre-arrest bail.

2. FIR has been registered on the complaint of complainant-Ashok Azad. The same is reproduced in verbatim as under:-

“That the property bearing no. khasra No.3651/1306 (Tehsil Gurugram). situated in Subhash Nagar, Old Railway Road, near DSD College Gurugram owned and possessed by Late Sh. Manohar Singh Azad (Ex. M.L.A) s/o Late Ch. Prem Singh Ex. M.L.A s/o Late. Sh. Mohan Lal Ro Hidayatpur Chawni as owner & owner in possession from last many decades and after his death his Legal Heirs. The Property UPId: 1CBTW7A7 & 1CG12UF9 is also registered in the name applicants Sh. Ashok Azad s/o Late Sh. Manohar Singh Azad s/o Late Ch. Prem Singh Ex. M.LA & other family members in records of Municipal Corporation Gurugram and revenue department. (Copy of Property Id, MCG Patwari report,



Jamabandi & Girdawariis attached herewith). That the above said property bearing no: Khasra No.3651/1306 of Village Gurgaon situated near D.S.D. College, Old Railway Road, Gurgaon. Land measuring 3 Bigha 5 Biswa comprising in Khewat No.272, Khata No.680, Khasra No.1407 of Gurgaon Village was gifted by Ganga Jiwan & others, Hissedaran to Ch. Prem Singh s/o Sh. Mohan Lal r/o Hidayatpur Chavni (now known as Jacobpura) vide Regd. Hibbanama No.185 dt.18.10.1932 & mutation no.1546 was duly sanctioned in his favour on 20.1.1933. This Khasra No.1407 was changed to 1581 in the Jamabandi for the year 1939-40 and 1581 was changed to 1306 in the Jamabandi for the year 1946-47 and he (Ch. Prem Singh S/o Sh. Mohan Lal) remained owner of this above said land. After his death this land was inherited and mutated in the name of his only son Sh. Manohar Singh Azad in the Jamabandi for the year 1976-77 and 1981-82 and 1986-87 and 1996-97, till today. On the request of residents of Subhash Nagar, Sh. Manohar Singh Azad was prepared to provide a rasta measuring 15' x 130' out of his owned land adjoining to boundary wall of D.S.D. College, Gurgaon. Necessary permission was granted by Administrator M.C. Gurgaon vide letter dt. 12.7.1994. That after the death of Sh. Manohar Singh Azad his legal heirs and owners of the property bearing no: Khasra No.3651/1306 are Sh. Ashok Azad, Sh. Rajinder Kumar Azad, Sh. Anil Azad sons of Late Sh. Manohar Singh Azad and Arun Kumar Azad, Deepak Azad, Vishal Azad, Pooja singh sons & daughter of Late Sh. Shyam Kumar Azad S/o Late Sh. Manohar Singh Azad. 4. On 05-06-2025 Jitender Aggarwal s/o Late Sh. Jaidev Aggrawal r/o Blue Heaven Building, opposite Bikaner wala. Old railway road, Gurugram who is a land grabber and is habitual and notorious person tried to tress-pass part of our above said property but returned empty hand, which was informed to applicant by one of our tenant. Earlier also Jitender Aggarwal who files false and baseless application in the Court, MCG, revenue department to tress-pass our above



said property. The applicants also got to know about an Illegal. baseless, false and fabricated Vasika no: 12272 Dated: 27-10-1995 in form of Patta nama for some part of the above said property which was executed in tehsil Gurgaon between the Jaidev Aggarwal (Father of Jitender Aggarwal) s/o Sh. Gumani Ram r/o Blue Heaven building, opposite Bikaner wala, old railway road, Gurugram and Jitender Aggarwal s/o Jai dev Aggarwal R/o Blue Heaven building, opposite Bikaner wala. old railway road, Gurugram. This Vasika no: 12272 Dated: 27-10-1995 was unlawfully and illegally executed & registered because Jaidev Aggarwal (Father of Jitender Aggarwal) s/o Sh. Gumani Ram, who is neither owner nor in possession of the above said property Khasra no: 3651/1306 or any of his forefathers do not have any entry of any portion in their names/favour in all revenue & Municipal records of khasra no: 3651/1306 (Tehsil Gurgaon) since last many years till today, it is pertinent to mention here that the said forged patta nama was executed between the father & son and witnessed by Yoginder Aggarwal (real brother of Jitender Aggarwal). This property khasra no: 3651/1306 belongs to applicants and they are absolute owner & owner in possession as explained in Para no: 01 & 02. Applicants also have a residential building/house & vacate land on some part of the above said property, as well as some portion/part has also been given on rent to Liquor shop (Government approved), M/s Rajesh building material etc from last many years as tenant by the applicants. That the applicants also came to know that in the Case decided by the court of Ms. Jyoti Grover the then Civil Judge, Gurugram and the judgment & decree dated 29.02.2016 were passed by the Hon'ble court regarding partition of land bearing 3650/1306 clearly holding that the Jitender Aggarwal & his family members has no concern with the land bearing khasra No.3651/1306 and he is neither owner nor in possession of the same. It was also mention specifically in para No.6 of the judgment dated 29.02.2016 which is as follows:- "According to



LC report dated 10.09.2014, Sh. Jaidev Aggarwal (decree holder) and his family members are the owners of 3650/1306 as reflected in the revenue record, neither the owners nor in possession of khasra No.3651/1306. This fact was incorporated in the report when the LC has visited the spot for conducting partition proceedings, the applicant Jitender Aggarwal had represented to him that the parties wanted to get khasra No.3651/1306 partitioned and not 3650/1306. Since the decree also pertains to khasra No. 3650/1306 and not 3651/1306, and objections made against the LC report by the applicant were dismissed, this court has no hesitation in accepting the LC report dated 10.09.2014." (Copy Attached) 7. Case decided by the court of Dr. Mohd. Imtiyaj Khan, Civil Judge, (Junior Division) Gurugram Case no: EXE-89-2025, judgment dated 09.07.2025 were passed by the Hon'ble court clearly specify that the Jitender Aggarwal & his family members has no concern with the land bearing khasra No. 3651/1306 and he is neither owner nor in possession of the same and also in findings by Hon'ble Court in judgment it is clearly mentioned that the decree obtained by Jitender Aggarwal was done by way of fraud. (Copy Attached). That the said Jitender Aggarwal is also habitual in filling false and frivolous applications to get his name entered as owner in the records of MCG and other revenue departments. If the government officials don't enter his name as the owner, then he also files false complaints against the government officials in order to pressurize them to enter his name in records of government departments. Jitender Aggarwal also keeps a evil eye on government lands and also files baseless cases in court to grab land through bogus & fictitious documents. 8. That the said Jitender Aggarwal or any of his family member is neither the owner nor in possession of our property mentioned in para no. 1 & 2 of the complaint / application.9. In context of the above mentioned subject an application/complaint is already pending with Gurugram police. It is therefore most humbly prayed that the objection



raised by applicants in Para no: 4 to 9 of the complaint/application may kindly be enquired seriously in interest of justice. B. This Vasika no: 12272 Dated: 27-10-2025 which was unlawfully and illegally executed & duly registered at tehsil Gurgaon. May kindly be cancelled as per rules & norms by Government of Haryana and the illegal Vasika be null-void and ineffective against the possession in the above said property. C. It is also prayed that till decision of the Complaint/application. Jitender Aggarwal s/o Late Sh. Jaidev Aggrawal or any other stranger to property may be restrained from interfering in the peaceful possession of the applicants upon the property detailed in para No.1 & 2 of the complaint /application. D. You are, therefore, requested to take necessary stringent legal action and order to file a FIR against Jitender Aggarwal S/o Late Sh. Jaidev Aggrawal & others who so ever involved in such fraud and land grabbing in the interest of justice.”

On the basis of the said complaint, a formal case vide FIR No.128 dated 28.08.2025, u/s 120B, 420, 467, 468, 471 IPC, was registered against the petitioner and others.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Gurugram. The same was dismissed vide order dated 05.09.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that complainant who are the successors of late Manohar Singh Azad, an ex MLA have been successful in getting this frivolous FIR lodged against petitioner by misusing their official connections. In fact, petitioner derived ownership rights over the property situated in khasra no.3651/1306 on the basis of Judgment and Decree dated 04.01.1974 passed in Civil Suit No. 443/1973 titled as



Joginder Kumar and others vs. Jai Dev Aggarwal. The said decree, having been never challenged has attained finality. On the strength of the same, an eviction petition was filed by the present petitioner, which was decided on 14.02.2025 in his favour. However, the execution petition was dismissed. Aggrieved of the said findings, petitioner filed an appeal, which is still pending adjudication before the learned First Appellate Court. In the said execution petition, shockingly enough, contrary to the settled proposition of civil law, the executing Court went beyond the decree.

Continuing further, learned counsel contends that the revenue entries relied upon by the complainant party are totally incorrect and liable to be cancelled/corrected. In fact, complainant has suppressed material facts from the knowledge of the Court. On the strength of the Gift deed no.185 dated 19.10.1932, which already stands cancelled by the then Deputy Commissioner Gurugram vide order dated 19.09.1932, complainant party are falsely staking their claim over the property comprised in khasra No.3651.

Learned counsel contends that at no occasion petitioner prepared any forged or fabricated documents. It is only on the strength of the Court Decree (referred above) that petitioner claims himself to be rightful owner of the land in question.

It is further the submission of learned counsel that present FIR is a counter blast to the complaint filed by the petitioner against the complainant party, who had fabricated property UIDs. In the said complaint, the illegal acts of revenue officials were also highlighted who in collusion with complainant party had fraudulently changed the revenue record in favour of Manohar Singh Azad who had infact died about 25-30 years ago.



This complaint had put the complainant party in an awkward position; they were on the lookout of an opportunity to level scores and thus initiated these criminal proceedings by misusing their official connections.

Learned counsel next contends that the entire case being based on documentary evidence which is already in possession of police officials, the custodial interrogation of petitioner is thus not needed for nothing is to be recovered from him. Nonetheless, being a law-abiding citizen, Petitioner is willing to join the investigation as and when called for. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, while opposing the request for grant of anticipatory bail, detailed reply was filed by complainant/respondent no.2, pointing therein that petitioner a habitual offender is a big-time land grabber. He is in the habit of filing frivolous litigations by concealing facts. In the present FIR, all those deliberate illegal acts committed by petitioner with an intention to cheat and deprive the lawful owners of their right in the property, have been highlighted. Elaborating further, learned counsel for the complainant contends that the plea taken by the petitioner that Gift deed/Hibbanama dated 19.10.1932 has been cancelled on 19.09.1932 deserves not to be taken note of, for the reason that petitioner is not reading/relying upon the entire document. Incomplete record has been presented only to mislead the authorities.

Learned counsel next contends that with an intention to deprive complainant of their rightful share in the property comprised in khasra No.3651, petitioner prepared forged Pattanama/lease deeds. Shockingly enough, the lease deed was executed in favour of petitioner by his own



father who was neither the owner nor in possession of the aforesaid property.

On the strength of this forged lease deed, a civil suit for partition was instituted, preliminary decree was secured by concealing material facts. But when the petition for final decree was filed, the fraud came to limelight and thus the petitioner finally remained unsuccessful. Learned counsel has also referred to the LC report dated 29.02.2016 relied upon the Court while passing the preliminary decree of partition. In the said report, the LC had recorded that the petitioner and his family members are owners only of Khasra No.3650/1306. However, when the execution petition was filed the intentional error on the part of the petitioner came to limelight. For obvious reasons, petitioner continued filing repeated execution petitions by fabricating the documents. So much so, an ejectment petition was also filed with respect to the property in question, wherein some imposter was presented as a respondent/tenant. The said eviction petition was allowed. It was only during execution petition that the fraud came to be noticed by the concerned Court and a detailed order on 09.07.2025 was passed recording therein that objectionable conduct of petitioner as also that he (P) is not the owner in possession.

In the reply filed by the complainant, details of the other fraudulent litigations initiated by the petitioner to grab the land of the innocent persons has also been highlighted. Thus, in crux the submission of learned counsel for complainant is that petitioner who is habitual of filing false, frivolous cases does not deserve this discretionary relief of pre-arrest bail, for his custodial interrogation is needed to find out as to who all are involved with him in this racket, what is their *modus operandi* etc.

In the reply filed by the State by way of affidavit of Mr. Vishnu



Prasad, HPS, Assistant Commissioner of Police, City, Gurugram, apart from mentioning the factual backdrop of the case, in para 7 thereof the role of the petitioner has been highlighted, which stands reproduced herein below:-

“That the investigation of the case is still at its nascent stage. As per the investigation of the case, the petitioner, who is a named accused in the present case, is the prime accused and principal conspirator who, had been instrumental in forging valuable documents with regards to the property vesting in the complainant. The allegations against petitioner are specific with respect to fabricated/forged Pattanama/Lease deed pertaining to the property not vesting in his father/him. During the course of investigation, it also transpired that the petitioner had also instituted Civil litigation i.e. Ejectment petition, on the strength of forged/fabricated lease deed and that too by impleading his close relation as respondent/tenant therein, prima facie reflecting his intent to gain advantage out of false/fabricated lease deed. Further, not only this, it also transpired that the petitioner got instituted various other litigation(s) and concerned Court(s) have gone to the extent of observing that Orders/decrees were obtained by way of fraud on the part of the petitioner and all such aspects prima facie reveal his proclivity to indulge in unlawful activities. The custodial interrogation of the applicant is very much required in order to ensure proper probe and to find out the entire modus operandi.”

In view of the above, dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the parties, it would be appropriate



to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of *the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.*"

In ***Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375***, the Hon'ble Supreme Court held that "*Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.*"

It would also be appropriate to refer to the judgment of Hon'ble Supreme Court in ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870***, wherein it was held as follows:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.



Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”



At this stage, it would also be appropriate to refer to a latest judgment of Hon'ble Supreme Court where in case titled as "*Kathyayini Vs. Sidharth P.S. Reddy & others*" (SLP (Crl.) No.1105 of 2024) after referring to its earlier decisions, in "*K. Jagdish Vs. Uday Kumar*" (2020) 14 SCC 552 and "*Pratibha Rani Vs. Suraj Kumar and Another*", (1985) 2 SCC 370, it was held as under:-

"19. xxxx

We hereby hold that no such bar exists against prosecution if the offences punishable under criminal law are made out against the parties to the civil suit.

xxxx"

"23. The above precedents set by this Court make it crystal clear that pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons...."

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. Contention of learned counsel for the petitioner is that civil proceedings being admittedly pending between the parties, initiation of criminal proceedings by complainant, is nothing but a sheer abuse of process of law, have not found in his favour. Simply for the reason that from the facts and documents on record, a *prima facie* case of cheating, forgery and criminal conspiracy is made out against petitioner. In the factual scenario of the case in hand, complainant is not precluded/barred from initiating criminal proceedings.

In the light of submissions advanced by both, the learned State counsel as also learned counsel for the complainant and after going through the documents on record, '*prima facie*' it can be inferred that only with a view to deprive the rightful owners of their property, petitioner is in the habit of instituting false/frivolous litigation by impleading his own family



members/acquaintances and by playing fraud on the Court, more often than not secures a favourable order, clearly indicating his intention to gain unlawful advantage.

Before parting with this order, in the light of entire discussion made hereinabove, documents brought on record, this Court is of the opinion that custodial interrogation of petitioner is needed to find out as to who all are involved in this racket, what is their *modus operandi*, how many innocent persons have been cheated etc. Thus, petitioner has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

16.02.2026
Hemant

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