



103 (02 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-60076-2025

Narayan SinghPetitioner

versus

State of Haryana Respondent

2. CRM-M-172-2026 (O&M)

Rahul KumarPetitioner

versus

State of HaryanaRespondent

Date of decision:08.04.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. S.S. Narula, Senior Advocate with
Mr. Sidharth Grover, Advocate (in CRM-M-60076-2025)
Mr. S.S. Nain, Advocate (in CRM-M-172-2026)
for the petitioner(s).

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court decide the
abovesaid two petitions as they have arisen out of the same FIR.

2. Present petitions have been filed praying for the grant of
anticipatory bail to the petitioner(s) in case bearing FIR No.05, dated
08.12.2021, under Sections 120-B, 167, 218, 420, 467, 468, 471 of IPC,
registered at Police Station ACB, Rohtak, District State Vigilance & Anti-
Corruption Bureau, Haryana.



2. Succinctly the facts of the case are that one Madan Mohan s/o Hetram, purchased 12 acres land in the year 1966 at village Sultanpur, District Sonipat, from Ramnath vide sale deed no. 2017 dated 07.02.1966. In this regard, mutation no. 774 and 775 dated 25.5.1970 were entered and attested in favour of Madan Mohan. On 28.05.1994, Madan Mohan died. Resultantly, vide a mutation of inheritance no. 2524 dated 28.03.2006, the wife of deceased, namely, Santosh and the son of deceased, namely, Narender Aggarwal, became owner in possession of the land. The land was being cultivated by Umed Singh since 1982 and, after his death, by Deepak s/o Umed Singh. It was alleged that he is paying the lease amount yearly to Narender Aggarwal i.e. son of deceased Madan Mohan. Presently, Narender Aggarwal s/o late Madan Mohan is residing at Lok Vihar, Pitampura, New Delhi. Since, the land is situated at Bahalgarh Road, in front of FIMS Hospital, Sonipat, so, land grabbers are having evil eyes on the same. It was alleged that Parvesh Kumar, co-accused, gave a complaint on 28.10.2020, and prayed to take legal action against Dr. Rajkumar Bhoria, District Revenue Officer, SK Branch Kanoongo-Devender Singh and office Kanoongo, Tehsil & District Sonipat. Thereupon, inquiry was conducted by Sh. Sandeep, DSP attached with Chief Minister squad. On inquiry, it was observed that several mutations have been entered, attested and cancelled since 2006 which indicates the complicity of revenue officers. It was also observed in the inquiry that without any sound base mutation no. 3258 was cancelled and mutation no 4414 was entered and attested by the revenue



authorities in collusion with the beneficiary and thus, the FIR was registered. On registration of the FIR, the investigation commenced. During investigation, complicity of petitioners-Narayan Singh (in CRM-M-60076-2025) and Rahul (in CRM-M-172-2026) surfaced and thus, were arrayed as an accused in the present FIR. Apprehending their arrest, petitioners approached the Court of learned Additional Sessions Judge, Sonipat praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Sonipat dismissed the applications filed by the petitioners vide orders dated 15.10.2025 and 22.12.2025, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of anticipatory bail.

3. Learned Senior counsel for the petitioner-Narayan Singh has contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the only allegation levelled against the petitioner are that he along with other co-accused, got co-accused Rajesh Jain @ Pappu to impersonate the actual owner of the land i.e. Madan Mohan and got a forged full payment agreement and General Power of Attorney executed in his favour by showing Rajesh Jain as Madan Mohan. He submits that even if the said allegations are taken to be gospel truth, it does not disclose the commission of any offence as neither the petitioner has prepared any document, nor used any forged document for any unlawful gain. He submits that petitioner has been nominated as accused after a lapse of 03 years and 10 months from



registration of the FIR and that too solely on the basis of disclosure statement of co-accused, Rajesh @ Raja, who himself was nominated and arrested on 19.08.2025. He submits that apart from the disclosure statement, there is no other incriminating or connecting evidence available on with the prosecution against the petitioners. He submits that even otherwise, disclosure statement is not an admissible evidence. He further submits that the entire case is based on documentary evidence, which is already in possession of the Revenue Department, Sonapat.

4. Learned counsel for petitioner-Rahul has also contended that the petitioner has been implicated in the present case only on the basis of second disclosure statement of co-accused Rajesh, which is not even an admissible evidence.

5. They, thus, submit that no *prima facie* case as alleged against the petitioners, is made out and hence, they deserve to be granted anticipatory bail.

4. Learned State counsel had opposed the submission made by counsel for the petitioner and has submitted that a specific role has been attributed to the petitioner. He submits that it was the petitioners, who in conspiracy with other accused persons procured the forged documents in the name of accused Rajesh Jain showing him to be the land over Madan Mohan, in order to grab the said land. It is submitted that the petitioners, on the basis of those documents, prepared fake GPA and Full Payment Agreement in their names from Ghaziabad. He submits that the petitioners have actively participated in the commission of this serious



offence. It is submitted that for a free and fair investigation and to unearth the actual facts, custodial interrogation of the petitioners are required and thus, no case for the grant of anticipatory bail to the petitioners is made out and present petitions being devoid of merit deserve to be dismissed.

5. On hearing of the counsel for the parties and perusing the record, it is deciphered that since 2006, several mutations have been entered, attested and cancelled and when this matter came in light, complicity of about 13 accused persons surfaced in the present case. Though, petitioners were nominated in the present case on the basis of disclosure statement of co-accused, Rajesh Jain, however, they played a very active role in committing this offence. Petitioner kept co-accused Rajesh Jain in his house and got prepared his documents in the name of Madan Mohan and executed GPA and Full Payment Agreement. It is apparent that the petitioners along with co-accused are in larger conspiracy to grab the land pertaining to Madan Mohan and the land mafias are trying their best to occupy the land either by bringing false Madan Mohan or by creating forged documents in his name. There are sufficient evidence against the petitioners who have committed this serious offence. Needless to say that the case is under investigation and the custodial interrogation of the petitioners is very much required for ascertaining the genesis of the forged documents and the *modus operandi* of accused persons.



6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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.”*

7. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-



“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the*



survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

8. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”



9. Weighing the facts of the case on the anvil of the law settled, it is apparent that complicity of the petitioners has been *prima facie* found. Allegations made against the petitioners are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the overall facts and circumstances of the cases, the petitioners do not qualify for the grant of anticipatory bail and the same are hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.04.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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