



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

101-1

CRM-M-63926-2025 (O&M)
Date of decision: 20.05.2026

Sanjay Kumar Chandila

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Balraj Gujjar, Advocate for the petitioner

Mr. Rajiv Sidhu, Sr. DAG Haryana

Mr. A.D.S. Sukhija, Sr. Advocate with
Mr. Vineet Chaudhary, Advocate for the complainant

AMAN CHAUDHARY, J.

1. Prayer made in the present petition filed under Section 482 BNSS is for grant of anticipatory bail to the petitioner in FIR No.147 dated 27.08.2025, registered under Sections 318(4), 336(3), 338, 340(2) and 61(2) BNS 2023, at Police Station BPTP Faridabad (Haryana).

2. Learned counsel submits that the sale deed was executed between the wife of the petitioner and co-accused Dinesh Chander, i.e. the vendor, based on grant of NOC by the concerned Department, after he had submitted the documents and a spot inspection was also conducted with regard to the land in question. He joined the investigation and responded to the questionnaire to the



best of his knowledge and thus prayed for grant of anticipatory bail.

3. On the other hand, learned State counsel and learned Senior counsel for the complainant, contend that the petitioner is the main accused, who forged the reports of Halqa Patwari, Tehsildar and Spot Verification for getting the NOC from DTPE by showing the land in question to be agricultural, whereas it was residential. The agreement to sell was entered into on 14.07.2023, however no sale deed was registered till 03.01.2025, as he previously could not obtain the NOC, which he fraudulently did on 31.12.2024. The concerned Halqa Patwari has given two statements dated 10.09.2025 and 22.09.2025 in the reply dated 14.10.2025 filed by Assistant Commissioner of Police, Crime-II, Faridabad in CRM-M-55603-2025, submitting that the verification report were neither signed by him nor sent to the Patwari, thus custodial interrogation of the petitioner is stated to be essential to recover the original sale deed, fake affidavits used for obtaining the NOC and other documents, as the same are not available with the authorities. It is stated in the FIR that the co-accused Dinesh Verma (seller) had clearly written in the letter to Deputy Commissioner of Police that he only sold the papers and never had the possession of the land and thus never gave the same to co-accused Lata (wife of petitioner). Moreover, he is a habitual offender, having 7 FIRs registered against him, which includes 2 under Section 307 IPC and one under Section 420 IPC and there are 25 complaints filed by residents of the society against him with all sorts of allegations. They thus state that a thorough investigation needs to be conducted and there also is an apprehension that he can tamper with the



evidence and pray for dismissal of the petition.

4. Heard.

5. In the present case, thrice over opportunities were granted to the petitioner to hand over the requisite documents as required by the Investigating Agency for the purpose enquiring into the matter, based on which the sale deed was executed, however, his wife, Lata, who was the purchaser, after joining the investigation had stated that her husband, i.e. the petitioner could answer the questions as regards the sale deed and NOC, etc, while he on 22.11.2025 (Annexure R-2 with status report dated 21.01.2026, filed by Assistant Commissioner of Police, Crime-II, Faridabad) answered the questionnaire stating therein that he had himself showed all documents to Tehsildar and had also given applications under his own signatures for spot verification, relevant of which reads thus:

“Question No. 2: Did you get all the documents of Dinesh Verma's land prepared for registration in the name of your wife Lata or not?

Answer: I did not get any documents prepared. Tehsildar Jaswant of Sector 12, Faridabad had got the documents prepared in the name of my wife Lata through one of his people. I do not know that person's name.

Question 3: Did you give all your documents for registration to the Tehsildar or to his person?

Answer: I presented myself before the Tehsildar and showed him all the documents. He then called his person and got the registration done.

Question 4: Did you and Dinesh Verma submit any application to the Tehsildar Faridabad for spot verification of the land or not?

Answer: Yes, I had given the application on which my signature is Sajay Kumar.

Question 5: Dinesh Verma's signature is also there on that application. Did Dinesh Verma himself sign that application in front of you or did you yourself sign on behalf of Dinesh



Verma? Please tell.

Answer: The application that I had given to the Tehsildar had my own signature on it, not Dinesh Verma's, Sanjay Kumar's." (emphasis supplied)

6. In the status report dated 14.05.2026 filed by the Assistant Commissioner of Police, Crime-II, Faridabad, in the questionnaire given to the DTP Sh. Rajender T. Sharma, he had stated that as per the procedure to obtain NOC, the applicants are required to apply online through the portal of the Department, which belies the aforesaid statement made by the petitioner.

7. Thereafter, as is discernible from Annexure R-1, appended with the aforesaid status report dated 14.05.2026, the petitioner changed his stance by stating that he had handed over the documents to one- Mr. Shahanshah Khan, Advocate for the purpose of getting the NOC from DTPE, who by way of an affidavit denied the same, relevant portion whereof reads thus:

“Question 3: To obtain a NOC from the DTPE department, submit the original half name of Dinesh Verma?

Answer: To obtain a NOC from the DTPE department, the original documents were given to Shahenshah Khan, Advocate, Faridabad, who did not return the original documents after applying online. When we asked for the original documents, he submitted an affidavit regarding those original documents, which read?

I am Shahanshah Khan, Advocate, District Court, Faridabad, and I hereby declare under oath the following statement: -

1. That on 23/12/2024, I had uploaded the papers online for NOC of Shri Dinesh Verma, son of Shri Sher Singh, resident of House No. 1041, Sector 09, Faridabad (property owner. Seller) and Smt. Lata, wife of Sanjay Kumar, resident of House No. 12 D, Roop Enclave, Vayani Nagar, Bhatola, Sector 82, Faridabad (buyer).

2. That, at Mrs. Lata's request, I have not obtained any



original paper or photocopy related to the aforementioned NGHC from my records. If any original paper or photocopy related to any party Karan GC remains on the paper sheet, or if I forget it, I will wait a month or two, then tear it up and throw it in the trash, that is, destroy it.

3. That I do not have any original paper or photocopy paper related to the said N.O.C” (emphasis supplied)

8. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon’ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

“6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

“438. Direction for grant of bail to person apprehending arrest.-

(1) Where 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 that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-

(i) The nature and gravity of the accusation;

(ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions



for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

9. Hon’ble the Supreme Court in the case of **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, has observed that, “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 CrPC 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.”

10. It would be apposite to refer to the status report dated 21.01.2026 filed by Assistant Commissioner of Police, Crime, Faridabad, relevant paras whereof read thus:

“5. That the petitioner is also involved in other cases as per details given as under: -

(i) Sanjay, (1) FIR No. 33 dated 19.02.2024 U/s 117, 181, 200, 34, 420, 427, 452, 506 IPC P.S. BPTP Faridabad (2) FIR No. 132 dated 17.05.2024 U/s 323, 34, 341, 506 IPC P.S. BPTP Faridabad, (3) FIR No. 208 dated 27.07.2024 U/s 109(2), 115, 190, 191(2), 351(2), 74 BNS, 307, 321, 149, 147, 506, 354 IPC and 25, 54, 59 of Arms Act, PS BPTP Faridabad (4) FIR No.977 dated 21.10.1998 U/s 148, 149, 325, 452, 307 IPC, PS NIT Faridabad (5) FIR No.45/23, U/s 352, 411 IPC, PS Chhata Mathura UP (6) FIR No.316/2023 U/s 447, 506, 34 IPC, PS BPTP Faridabad (7) FIR No.140 dated 22.08.2025, U/s 126(2), 351(3) BNS, PS BPTP Faridabad.”

11. It is the bounden duty of the Court to take into consideration all the facts and circumstances and after its utmost satisfaction, grant anticipatory bail only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of the accused interfering in the path of justice.

12. Evidently, it is a case where serious allegations of forging official documents for the purpose of fraudulently obtaining NOC have emerged against the petitioner during the course of investigation. In his statement on one hand, he admitted submitting documents to the Tehsildar, however copies of the same



were neither found available in the office nor did he hand them over during his questioning when he joined investigation, which were in the shape of the original copies of the Tehsildar report, Halqa Patwari Report and Spot Inspection Report, recovery whereof is yet to be effected. He has been shifting his stands later on as has been referred to in para nos. 5 and 7 above. On a specific query raised from the DTP concerned also, the statement of petitioner was found to be contrary to record. He is stated to be the mastermind, as he had a Special Power of Attorney in his favor executed by the vendor regarding the agreement in question, who had stated that he had no concern with obtaining the NOC etc, so did the wife of the petitioner. It is in such circumstances, that his custodial interrogation has been stated to be imperative. The petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon'ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP CrI. No. 18200-2025, vide judgment dated 06.01.2026 and the element of criminality cannot be ruled out in the present matter, he being also a habitual offender.

13. Thorough and effective investigation to elicit the truth; there being an apprehension expressed, of the petitioner tampering with the evidence, as the original documents are yet to be recovered, for which his custodial interrogation has been sought, this Court finds it not a fit case to grant anticipatory bail to him.

14. In view of the foregoing discussion, the present petition is hereby dismissed, being bereft of merit.



15. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

(AMAN CHAUDHARY)
JUDGE

20.05.2026
ashok

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