



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31458-2025
DECIDED ON: 17.06.2025

PRIYANKA LOHIA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Matya, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of Anticipatory bail in case arising out of FIR No. 51 dated 11.02.2025 U/s 420, 448, 467, 468, 471, 427 and 506 IPC registered at Police Station Rajendra Park, District Gurugram i.e. Annexure P-1.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To The Commissioner Of Police Police Headquarter Sohna Road Gurugram Haryana Sub- Complaint For The Offence Of Froud, Forgery, Wrongful Loss/Damage To Property, Criminal Breach Of Trust, Criminal Trespass Criminal Conspiracy Etc Against 1. Bhupesh Kumar Gupta 9811596146 2. Satish Kumar Gupta 9873259560 3. Trilok Chand Gupta 9350975091 All R/O RZ 11 Mangal Bazar Chowk, Indra Park Palam Road new delhi-110045 4. Rishi

Prakash Swami S/O Sh. Graib Ram Swami R/O SRS 126 Nasirpur Dwarka New Delhi-110045 (Mobile No. 7982821553) 5. Priyanka Lohia W/o Pramod Kumar R/O H. NO 343 Dundanera, Sector 20 Gurugram 6. Deepa Kataria W/ Surjeet Kataria, R/ H No. 23, Tek chand nagar gali no 1 Surat Nagar Gurugram (Mob 9718515920) 7. Manisha W/o Neeraj Kumar Janghu, H. No. 10. Bichli Gali, Daultabad Gurugram (Mob 9911129355) 8. Kusum W/ Rampal janghu, House no. G-69. near Mata Mandir, Rajendra Park Gurugram (Mob 9810570460) 9. Ombir Singh 8/0 Raj Singh R/o H. No. 281. Adhkar Gali, near Chatri Wala Kuan. Daultabad, Gurugram 122006 10. Avish Homes (Mob 9911129355, 9810570460, 9990165050) 11. Neeraj Kumar janghu, H. No. 10, Bichli Gall, Daultabad. Gurugram (Mob 9911129355) 12 Rampal Janghu, House no. G 69, near Mata Mandir, Rajendra Park. Gurugram (Mob 9810570460) Dear Sir The present complaint is being filed by Yajdev Yadav father of Shilpa yadav, R/o 145/2 New Palam Vihar, Gurgaon, Haryana 122017. (hereinafter referred to as the "Complainant"), who is duly authorized vide Authority letter dated 03.01.2025 to file the present complaint and initiate other legal actions on her behalf against the above accused persons involved in the crime and you are further requested to take an immediate action against them. A copy of the Authority Letter is annexed herewith as Annexure-1 Brief facts leading to filing of the present complaint- 1. That the Complainant is the owner of the land ie. Plot/House No. 69-70, admeasuring 400 sq yard along with already constructed area of 625 sq feet situated at Tec chand nagar, Mauza Rajendra Park, Tehsil District Gurugram, vide sale deed bearing Vasika No. 9591 dated 20.11.2017. There were small boundary walls (DPC) on the said plot. The complainant purchased the said property for total sale consideration of Rs. 63,97,500/- from Rishi Prakash Swami ie. Accused No. 4 who acted as owner for 200 sq yards in terms of Sale Deed bearing Vasika No. 28316 dated 06.03.2013 and power of attorney holder in terms of POA bearing Vasika No. 788 dated

13.11.2017 for remaining 200 sq yards. The mutation was also approved in the name of complainant bearing Mutation No 59656. That the said land/property was initially owned by Sh. Omprakash S/o Sh. Sahajram R/o of village Bhingarh Kheri, Gurugram, which was later sold to Sh. Bhupesh Kumar Gupta (Accused no.1), Sh. Trilok Chand Gupta (Accused no.3) Sh. Satish Kumar Gupta (Accused no.2) S/o Sh. Lakshmi Narayan Gupta R/o RZ11, Mangal Bazar Chowk, Inder Park, Palam Road, New Delhi 110045 vide Sale Deed having vasika no.5067 dated 18.09.2003. The mutation was also approved bearing Mutation No. 58890 That out of the aforesaid land, 200 sq. yard of land was sold by the Accused No. 1,2 3 in the year 2013 to Sh. Rishi Praksh Swami (Accused no.4) S/o late Sh. Garib Ram Swami vide sale deed bearing Vasika No. 12656 dated 01.03.2023. Later on the Accused No. 1 to 3 further appointed Accused No. 4 as their power of attorney holder for remaining 200 sq. yard out of total 400 sq. yards plot through power of attorney holder in terms of POA bearing Vasika No. 788 dated 13.11.2017 registered in the office of Noida. The mutation was also approved bearing Mutation No. 57604 and 58891 4. That the complainant recently went to inspect the aforesaid land and came to know that Accused No. 7 to 10 has illegally trespassed and illegally possessed our plot and further damaged/demolished certain construction already existing as well as the existing boundary and further carried out their own construction on the aforesaid land. The accused No. 7 to 9 have installed their board in the name of accused no. 10 and constructed their office as well in the premises and they have placed their own people in the premises for illegal occupation. 5. That the complainant confronted the accused to vacate the property but the accused persons threatened the complainant with dire consequences and claimed ownership of the plot. When the complainant informed the accused that he has all the original chain of title documents and he is the rightful owner but the accused failed to provide the ownership proof and previous title documents as they don't have any

such document. They have created forged document to unlawfully usurp the property in illegal manner During the meeting Accused No. 9, 1.1 and 12 informed the complainant that after digging the plot/boundary wall, they waited for 2/3 months for objection from someone, but when no one came, they constructed the plot as per their liking which clearly established the fact that they were aware that they were not owners and waiting for someone objection to their illegal possession and when no one including complainant came to object for their legal design, they occupied the plot and illegally damaged already constructed portion and further constructed the plot and illegally occupied the same. 6. That the complainant on Inspecting from sale deed provided by accused persons came to know that Accused no. 1 to 3 through GPA holder Smt. Priyanka Lohia (Accused no.5) wife of Mr. Pramod Kumar R/o H.No.343, Dundahera, Sector 20, Gurugram, Haryana (vide GPA vasika No. 9251 dated 15.01.2013 registered in the office of sub registrar- Sadar-II, Gaziabad, UP) has created third party rights by selling the aforesaid to Smt. Deepa Kataria Accused no.6) wife of Sh. Surjeet Kataria R/o H.No.23, Tek Chand Nagar, Gall no.1, Surat Nagar, Gurugram, Haryana-122001 vide sale deed bearing Vasika No. 14506 dated 04.03.2024. However the accused no. 4 is claiming no such GPA was executed by them in favour of Priyanka Lohia. 6. Further out of the aforesaid land, 80 sq. yard was sold by the accused no.6 to Smt. Manisha (Accused no.7) wife of Sh. Neeraj Kumar R/o H. No. 10, Bichli Gali, Daultabad, Gurugram and Smt. Kusum (Accused no.8) wife of Sh. Rampal R/o H.No.G-69, near Mata Mandir, Rajendra Park, Gurugram, Haryana vide sale deed having Vasika No. 1000 dated 26.04.2024. Also another land admeasuring 84.5 sq. yard was also sold to Sh. Ombir singh Accused no.9), S/o Sh. Raj Singh R/o H. No. 281, Adhkar Gali, near Chatri Wala Kuan, Daultabad, Gurugram 122006 vide sale deed having Vasika NO.1977 dated 20.05.2024. However the accused have failed to produce the previous title chain of said property including GPA and further threatened

the complainant father and his brother to not to come near by failing which he will be beaten to death along with family. The accused 5 to 9 claimed to have backing of criminals and asked the complainant and his family to keep silent. 7. That the complainant has been cheated in the present case. The complainant purchased the property after paying huge consideration but the accused persons acted in conspiracy and planning on basis of false, forged and fabricated sale deeds and POA claimed ownership on the said plot and illegal possession and further selling the same. The accused persons acted in conspiracy and created these false and forged documents to usurp the property of the complainant and to cause unlawful loss to the complainant and with intent to cheat the complainant. They crated this it is clear that all the accused are involved in the offences of fraud, forgery, criminal breach of trust, criminal trespass criminal conspiracy. That the actions of the accused persons have caused wrongful loss to the complainant and wrongful gain to the accused persons. That the complainant paid the sale consideration on the representation of Accused No. 4 that he was absolute owner and in possession of suit property and handed over the sale consideration on the representation that the property is free from any dispute and encumbrance and title dispute. 8. There is commission of offences of forgery, cheating, breach of trust, fraud and criminal conspiracy, trespass etc. done by the Accused persons and we, therefore we request the authorities to investigate the present matter by registering the FIR in the matter and to remove illegal encroachment and trespass of the accused and to handover the possession of property legally owned by the complainant. In light of the above, it is, therefore, requested to initiate the necessary investigation and further to arrest the Accused persons at the earliest after registration of FIR against them. SD- Yours sincerely Mr Yajdev Yadav father of Shilpa Yadav Mobile No.: 9958322044”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is only an employee of main accused namely Deepa Kataria and the allegations against her pertain to the forgery of a power of attorney/GPA on the basis of which the transfer of the plot took place resulting into execution of sale deed No.14506 dated 04.03.2024 for an amount of Rs.1,08,00,000/-. It is also argued on behalf of the petitioner that the said amount duly stands credited to the account of main accused Deepa Kataria in Axis Bank in the accounts owned by her only to which the petitioner has no concern and neither she is beneficiary directly or indirectly of the alleged amount. Mr. Matya, learned counsel for the petitioner would also submits that the petitioner has been implicated merely due to her role as a helper working under Deepa Kataria, despite the fact that not even a single penny has been transacted into her account out of the alleged amount involved in the instant case. It is additionally contended that the petitioner is an illiterate woman who, on the instructions of her employer Deepa Kataria, signed certain documents without understanding their contents. The petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is

the person who in active connivance with main accused Deepa Kataria was involved in preparing a forged Power of Attorney by falsely claiming ownership and possession of the said land, which ultimately led to the execution of the impugned sale deed. However, she was unable to establish that any part of the sale consideration benefited the petitioner, rather, it was received solely by Deepa Kataria. Moreover, no explanation was provided regarding the contradiction appearing in the status report specifically, paragraph 6 of the report states that the sale consideration of ₹1,08,00,000/-, paid through five cheques at the time of execution of Sale Deed No. 14506 dated 04.03.2024, was deposited in Deepa Kataria's Axis Bank accounts bearing numbers 911010027652392, 923010014932798, and 922020052488723. However, in paragraph 7, the deponent, Shiva Archan, HPS, Assistant Commissioner of Police, West, Gurugram, representing the State, states that the sale consideration of ₹1,08,00,000/- could not be corroborated with the relevant bank account statements creating a clear contradiction in the prosecution's version.

On behalf of the complainant

Mr. Vaibhav Narang, Advocate has put in appearance on behalf of the complainant and in addition to the argument raised on behalf of the State, seeks dismissal of the instant petition submitting that on three occasions, the petitioner could not get the favour in the instant petition before three Coordinate Benches and today is the 4th occasion and further pressing upon the fact that if the case of the petitioner *prima facie* is in her favour she might have got bail at first instance before any of the Coordinate Bench. On merits, he would submit that having duped with Rs.1,08,00,000/- the complainant has not got the possession of the plot and could not

demonstrate that how the petitioner is directly involved in the conspiracy and how the petitioner committed offence under Sections 420, 467, 468, 448, 471, 427, 506 IPC, the essence of which is *prima facie* not evident on bare perusal of the FIR itself.

4. **Analysis**

Be that as it may, this Court being considerate of the fact that the disputed question of facts raised in the instant petition such as the Power of Attorney on the basis of which the forged document was got prepared by the present petitioner is yet to establish by leading evidence before the trial Court if the case is committed for trial after conducting investigation by the police.

While the petitioner's involvement may be necessary for the purpose of completing the investigation, no case is made out for her custodial interrogation. This is clearly acknowledged by Ms. Mayuri Lakhanpal Kalia, DAG, Haryana, who candidly admitted that no recovery is to be effected from the present petitioner, although her interrogation is still being sought.

Also considering the undertaking given before this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. 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

17.06.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No