



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

CRM-M-39118-2025(O&M)

Date of Decision:-29.08.2025

Naveen Rana.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ankur Sheoran, Advocate for the Petitioner.

Mr. Vipul Sherwal, AAG Haryana.

Mr. Yashveer Kharb, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 482 BNSS is for grant of the grant of anticipatory bail in case FIR No.115 dated 16.05.2025 under Sections 318(4) of BNS, 2023 registered at Police Station Bajghera, District Gurugram.

2. The present FIR came to be registered at the instance of Krishna Devi and reads as under:-

“ To The SHO Sahab, Police Station Bajghera, Gurugram. Sir, I request that I am Krishna Devi wife of Kapil Kumar R/O FLAT NO.304, 3RD FLOOR Balaji Apartment, Sahib Kunj, New Palam Vihar Gurugram. I and my husband met Naveen Rana son of Karamveer Rana R/O village Bajghera Gurugram through Monu Sharma (Sharma General Store), Chandan Vihar. We wanted to buy a plot. Naveen Rana told us that he has a plot of 215 sq. yards in



Chandan Vihar and he wants to sell it and he works as a property dealer. Naveen Rana showed us the plot in Chandan Vihar, which my husband and I were interested in buying and we agreed. to buy this plot at the rate of Rs.52000/- per square yard and an agreement was made between me and Naveen Rana on 20/8/24 to buy this plot in which I gave a cheque of Rs.11 lakhs and Rs.68 thousands in cash. We later came to know that the said plot does not belong to Naveen Rana. That plot belongs to his uncle Dharamveer Singh Rana. They have a dispute among themselves. Dharamveer Singh Rana and his son Jitendra Rana told me that they will not let me take possession of this plot because this plot belongs to them. I did not want to get into any dispute. I gave a complaint against Naveen Rana in the police station on 20/09/24 in which Naveen Rana wrote that he will return my money but Naveen Rana has not returned my money yet. The said plot does not belong to Naveen Rana. He has cheated me of money by making a fake agreement with me and I have complained about this twice before. Please take appropriate legal action against Naveen Rana and get my money back. It will be a great favor from you. Your obedient Krishna Devi. ”

3. The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The dispute if any is of a civil nature. As the case is based on documentary evidence, no case for custodial interrogation is made out and therefore, the petitioner is entitled to the grant of anticipatory bail.

4. The learned counsel for the State as well as counsel for the complainant, on the other hand, contends that the petitioner has cheated the complainant of a huge amount of money on the pretext of selling a piece of land of which he was not the owner. When an earlier complaint had been



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given by the complainant the petitioner had promised to return the money. However, he has not done so. Even before this Court, on 23.07.2025 and 19.08.2025 the petitioner had stated that he wishes to explore the possibilities of an amicable settlement with the complainant. Despite the matter being sent to the Mediation and Conciliation Centre of this Court, the petitioner chose not to appear even on one date because of which the file was sent back for adjudication on merits. He, therefore, prays that as the offence is *prima facie* established, the petitioner is making false promises which he does not intend to fulfill, no case for the grant of anticipatory bail is made out and the present petition is liable to be dismissed.

5. I have heard counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“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.

7. As per the prosecution case, the petitioner received a sum of Rs.11,68,000/- on the pretext of selling a plot to the complainant. It transpired that the petitioner was not the owner of the plot but the owner was his uncle Dharamvir Singh. The petitioner had initially undertaken to return the money when an earlier complaint had been filed by the complainant. However, he did not do so. Even before this Court multiple undertakings



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were given that he was ready to explore the possibilities of an amicable settlement. However, he deliberately chose not to appear before the Mediation and Conciliation Centre of this Court for the said purpose. Therefore, apparently, not only has the petitioner cheated the complainant but despite being given opportunities to settle the matter with the complainant, he has firstly promised to explore the possibilities of a compromise and thereafter refused to do so. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

**(JASJIT SINGH BEDI)
JUDGE**

August 29, 2025

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>