

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-33237-2025  
Reserved on: 11.09.2025  
Pronounced on: 17.09.2025

Ajay ...Petitioner

Versus

State of Haryana and another ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Sandeep Kotla, Advocate,  
for the petitioner.

Mr. Birender Bikram Attrey, Addl. AG, Haryana.

Mr. Ashwani Gaur, Advocate,  
for the complainant.

\*\*\*\*

**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
594	09.07.2022	Azad Nagar, Distt. Hisar	419, 420, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 7 of the bail petition, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	595	07.09.2022	467, 468, 471 IPC	Azad Nagar, Distt. Hisar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“3. That briefly stated facts of the case are that the present case was registered on the complaint of Sushila Devi wife of Krishan Lal R/o village Kherampur, district Hisar alleging therein that her plot bearing No. K-45 (160 Sq. yards) Model Town Extension, Hisar allotted by The Hisar Shanti Co. operative H.B. Society, Hisar vide registration No.638 dated 11.11.2006, certificate No.401. Some Notorious persons have get transferred the said plot in their names from the society and allotment number was also issued. She has never sold this plot to anyone nor she has signed any document regarding sale of the same. She came to know when she purchased bricks and started construction on the plot on dated 05.04.2022, then 5/6 persons came in a vehicle and said to her mason that this plot belongs to them and they got stopped the work. Thereafter, she went to Police Post sector 9-11 for lodging complaint against unknown*

*persons. After some time those people also came there in the Police Station and thereafter investigating officer ASI Jagdish, told her that her plot has been sold twice whereas she has not sold the plot to any one and he told her to lodge FIR at P.S. Azad Nagar, Hisar. Thereafter on dated 04.06.2022, they came to Police Station, Azad Nagar, Hisar, where police officials said that the jurisdiction of this case is sector 9-11 Police Station. Thereafter, she demanded the documents of fraud from the office of Society, then Ram Niwas said that the documents is to be given by the office of Registrar, but the same has not been received till date. Upon which present case has been registered at PS Azad Nagar, Hisar against unknown persons under sections 467, 468 & 471 of IPC. On 15.09.2021 on perusal of police file section 419 & 420 of IPC was added by the investigating officer.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that FIR qua same of the main accused already quashed by this Court based on compromise and he refers order dated 19.03.2025 passed by this Court in CRM-M-7037-2025.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. Counsel for the complainant submits that he has no objection if bail is granted to the petitioner.

8. It would be appropriate to refer to the following portions of the reply, which reads as follows:

*“14. That in reply to point No.F it is submitted that the petitioner/accused is the one who is Secretary of the society and without his collusion the fake allotment letter of the plot can't be issued. He in connivance with other accused in furtherance of criminal conspiracy with each other lodged false missing report of Sushila allotment letter of plot and also taken the KYC of original allottee Sushila and get issued duplicate allotment letter from the office of the Society in the name of an unknown lady who impersonated herself as Sushila and sold the same to one unknown Shyam Lal and further Shyam Lal sold the plot to Sarika at the cost of Rs.33,12,000/- (Rupees thirty three lakh and twelve thousand) in which the accused Banshi Lal himself signed as a witness. In this way above said accused have fraudulently sold the plot of complainant Sushila firstly to Shyam Lal and Shyam Lal further sold the said plot to Sarika and received the amount of the plot.*

*15. That in reply to point No.G it is submitted that the petitioner/accused in furtherance of criminal conspiracy with each other lodged false missing*

*report of Sushila allotment letter of plot and also taken the KYC of original allottee Sushila and get issued duplicate allotment letter from the office of the Society in the name of an unknown lady who impersonated herself as Sushila and sold the same to one unknown Shyam Lal and further Shyam Lal sold the plot to Sarika at the cost of Rs 33,12,000/- (Rupees thirty three lakh and twelve thousand) in which the accused Bansi Lal himself signed as a witness. In this way above said accused have fraudulently sold the plot of complainant Sushila firstly to Shyam Lal and Shyam Lal further sold the said plot to Sarika and received the amount of the plot.”*

**REASONING:**

9. No specific role is attributed to petitioner, no amount defined by investigator attributed to him or gone to his share out of the proceeds of crime. Moreover, complainant has no objection to the petition. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.<sup>1</sup> Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.<sup>2</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.<sup>3</sup>

11. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role of petitioner, no objection of complainant and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty

---

<sup>1</sup>Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

<sup>2</sup> Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

<sup>3</sup> Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner's complying with the following terms.

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be

desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

**17.09.2025**  
**Jyoti-II**

Whether speaking/reasoned: Yes  
Whether reportable: No.