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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-13413-2025 (O&M)
Date of decision: 11.03.2025**

Surender Singh Panwar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ramesh Hooda, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana.

Mr. Vivek Khatri, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in case arising out of FIR No. 28 dated 16.02.2025, registered under Sections 406, 418, 420, 466 and 468 of IPC at Police Station Arya Nagar, Rohtak.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis of a direction issued by the Magistrate concerned under Section 156(3) of Cr.P.C. Complainant Savita alleged that the petitioner, who was well acquainted to her family and was also running a wheel alignment business as a tenant in the shop owned by the complainant, had represented to her that he was owner in

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possession of a plot measuring 400 sq. yards in the area of Kanheli road, Rohtak and had induced the complainant to purchase the same. she had agreed to do so. An agreement to sell was executed between them on 10.02.2020. The sale consideration amount was fixed to Rs. 60 Lakhs, which was paid by her. The sale deed was to be executed on 28.11.2020. The petitioner, however, kept on delaying the matter and did not get the sale deed registered. Feeling suspicious, the complainant made inquiries and came to know that the petitioner had falsely represented to her that he was owner of the above said plot. By alleging that the petitioner had cheated her, she prayed for taking action against him. After registration of the FIR, investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Rohtak but the same had been dismissed, vide order dated 27.02.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the husband of the complainant, who was previously working in Petroleum Ministry, had got one petrol pump allotted in the name of the petitioner. The petitioner had to pay a sum of Rs. 15 Lakhs to him. In lieu thereof, he had transferred two shops owned by his wife in the name of the complainant. These shops were given on rent to the wife of the petitioner with an understanding that whenever the petitioner would give the amount of Rs. 15 Lakhs to the husband of the complainant, these shops would be transferred back in favour of his wife. It is submitted that when the petitioner asked the complainant to accept the aforesaid amount of Rs. 15 Lakhs and transfer back the shops in the name of his wife, the complainant had

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rather filed a civil suit against him. It is further submitted that a sum of Rs. 10 Lakhs was given to the petitioner by the complainant through bank transaction but no other amount of money had been given by the complainant and a false complaint had been lodged. It is argued that the dispute between the parties is of civil nature which has been given a criminal colour. Civil litigation is already pending between them. In fact the petitioner is the victim. No recovery is to be effected from the petitioner. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. At this stage, power of attorney has been filed on behalf of the complainant. Learned Senior Deputy Advocate General, Haryana has advance notice of the petition and is ready to argue the matter. He, assisted by learned counsel for the complainant, has argued that there are serious allegations against the petitioner. He had entered into an agreement to sell a plot in favour of the complainant and had taken an amount of Rs. 60 Lakhs from her. He had even executed a receipt in this regard. He had misrepresented to the complainant that he was owner in possession of the above said plot, whereas in fact it was not so. He has not returned the money to the complainant. He is a habitual offender as he has even been declared a proclaimed offender in a complaint filed under Section 138 of the N. I. Act. For the purpose of conducting thorough investigation in the matter as well as for effecting recovery of the money given by the complainant, his custodial interrogation is must. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

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and have also perused the material placed on record.

6. The petitioner is alleged to have entered into an agreement to sell a plot in favour of the complainant for a sum of Rs. 60 Lakhs by representing himself to be owner of the same and by inducing the complainant to pay the aforementioned amount of money, the entire sale consideration is alleged to have been received from the complainant. The petitioner has executed a receipt of Rs. 10 Lakhs out of the said amount. The petitioner himself has placed on record Annexure P-2, copy of reply sent by him to SHO, Police Station Shivji Colony, Rohtak, in response to complaint filed by the complainant and a perusal of the same reveals that he had admitted that he had executed a full payment agreement in favour of the complainant. During the course of arguments, learned counsel for the petitioner has submitted that the petitioner is a property dealer by profession. It cannot be assumed that he executed agreement qua receipt of entire sale consideration amount of Rs. 60 Lakhs after receipt of only Rs. 10 Lakhs. The execution of agreement has not been denied by him. No explanation has been furnished as how he had made a false representation that he owned the property which was the subject matter of the agreement between the parties. In view of the nature of allegations levelled against the petitioner and also for conducting thorough investigation to elicit truth, the custodial interrogation of the petitioner is required. Even otherwise, no sparing or extraordinary circumstance has been made out entitling the petitioner to get benefit of anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood

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of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.03.2025

Wassem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*