



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-23524-2025

105

Date of decision: 01.05.2025

Mustfa Ahmad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nirmal Singh, Advocate for the petitioner.

Mr. Gagandeep S Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.221 dated 15.08.2024 under Sections 120-B,406,467,468,471 IPC registered at P.S Sadhaura, District Yamuna Nagar.

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

*“ Copy of application is as follow- To, The SHO, Police Station Sadhaura, Sir, I request that I Kulwant Kaur wife of late Preetpal Singh resident of village Bakala Tehsil Bilaspur District Yamunanagar. I have 7 daughters and a youngest son. My husband died due to illness about 17/18 years ago, I raised all my children by working in the field. on 14-12-2019, I bought a house built in 183 yards from Mohammad Ali son Safi Mohammad resident Prem Nagar Sadhaura. And after getting the agreement for this house prepared, I gave the money for the house to Mohammad Ali because this land belongs to the Wagf Board Department, so the registry of this land could not be done. In lieu of buying the house, I gave 11 lakh 60 thousand rupees to Mohammad Ali. This house has 5 rooms,*



2 kitchens, and toilet, bathrooms. After buying the said house Mohammad Ali handed over the possession to me on the spot and I started living here with my children. During my stay, Mustafa Ahmed alias Billa son of Sdik resident of Saini Mohalla Saraswati Nagar Police Station Chhapar District Yamunanagar and his wife Rukhsana came to me to get a room on rent. On the advice of the influential people around, I gave them a kitchen and a room on rent. After a few months, Mehndi Hasan son of Yasin, a resident of village Palodi in Himachal Pradesh, came to me to get a room on rent and on the advice of the influential people, I also gave him a room on rent. After that, on 30 March 2024, my first tenant Mustafa brought Salim Khan son of Abdul Islam resident Mustafabad and his wife Abida to get a room on rent. On the advice of tenant Mustafa, I also gave a room on rent to Salim. In this way, I gave one room on rent to each of the three tenants. After that, I kept my belongings in my two rooms, locked them and started living in my village Bakala with my children. A few days after renting my house to Salim and his wife Abida, I came to know from the neighbors that apart from being involved in immoral activities, Salim and his wife Abida's activities were suspicious. After enquiring from the neighbors, I came to know that Salim and his wife Abida indulge in immoral activities in my house and may do some wrong act and hatch a conspiracy with the intention of usurping my house. Seeing their activities, on 19.06.2024, I asked Salim and his wife Abida to vacate the house. When I asked them to vacate the house, Salim and Abida got angry at me and abused me, manhandled me and threatened me. I made a written complaint about this to the Sadhaura Police Station. Acting on my complaint, the police took legal action against Salim. After that, Salim and his wife Abida in front of the influential people asked me for time till 20.06.2024 to vacate the house. When the house was not vacated even the next day, Abida asked for time till 1 July 2024. But when I did not give any more time, on 22 June 2024, Salim and his wife Abida, along with Mustafa and his wife Rukhsana, vacated my house in front of the influential people and both the tenants picked up their belongings and took them out of my house. Because I did not give her time till 1 July 2024 to vacate the house, angry upon this, Abida cut the vein of her hand in front of the influential people and started saying that she will come again to



*occupy your house by filing a complaint against you. After that I took the help of Dial 112 police and Abida was taken to the Community Health Center of Sadhaura by Dial 112 police vehicle. After that, the relatives of the above tenants started hovering around my house, who wanted to illegally occupy my house, and Mustafa, Salim and Abida vacated my house taking their belongings and left, and now I am living in this house with my children, which I came to know later that on 10.06.2024, Mustafa Ahmed alias Billa son of Sdik resident Saini Mohalla Saraswati Nagar Police Station Chhappar District Yamunanagar, under a conspiracy, hatched a conspiracy with Salim and his wife Abida and got a false agreement of my house prepared and sold my house to Salim Khan son of Abdul Islam, whereas I never sold my house to anyone, the electricity connection and water connection in this house are also in my name, and the current PID of my house in Municipal Corporation Sadhaura is PID 7YJCD227 PID 093000E0608030000R05210 which is in the name of my husband Preetpal, according to this I am the owner of this house and against us Salim Khan son of Abdul Islam and his wife Abida had given a false application regarding this house which was investigated by Deputy Superintendent of Police Radour, Mustafa Ahmed alias Billa son of Sadig resident Saini Mohalla Saraswati Nagar Police Station Chhappar District Yamunanagar under a conspiracy hatched a conspiracy with Salim and his wife Abida and others prepared a false agreement and documents of my house and my house was sold to Salim Khan son of Abdul Islam, legal action should be taken against the above. Applicant Sd/- Kulwant Kaur wife of late Preetpal Singh resident of village Bakala tehsil Bilaspur District Yamunanagar, presently Prem Nagar Sadhaura District Yamunanagar.*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the present FIR is nothing but a counter-blast to the civil suit seeking permanent injunction preferred by the present petitioner against the complaint, which is pending before the Civil Court. Otherwise also, the complainant does not have any recital or any material



document to put forth the claim as owner of the said property which vests in the Wakf Board.

Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Gagandeep S Chhina, AAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail on the ground that the petitioner is guilty of forging the documents.

4. **Analysis**

Be that as it may, considering the fact that once the civil suit is already pending between the parties wherein validity of the documents will be established, therefore, lodging of instant FIR prima facie seems to be an act of counter blast being an arm-twist. Otherwise also, the FIR was lodged on 15.08.2024 under the provisions of Sections 120-B,406,467,468,471 IPC, whereas the old criminal law itself stand repealed on 30.06.2024 thus FIR also does not hold good.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**( SANDEEP MOUDGIL )  
JUDGE**

01.05.2025

manoj

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable         | : | Yes /No |