

CRM-M-814-2025 (O & M)

2025:PHHC:111642



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(227)

CRM-M-814-2025 (O & M)

Date of decision:25.08.2025

Yogesh Gupta and anr.

..... Petitioner(s)

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mayank Bajaj, Advocate, for the petitioners.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Ajay Ghangas, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS is for the grant of anticipatory bail to the petitioners in case FIR No.433 dated 23.12.2024 under Sections 120-B, 420, 448, 467, 468, 471 IPC registered at Police Station Faridabad Central, District Faridabad.

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

To, Respected Sir, ACP Central, District Faridabad, Subject: Application for lodging complaint against Ashok Mittal (Mobile 99588 22479) Son of Late Shri Chunni Lal, resident of House No.446, Sector 16, Faridabad, Yogesh Gupta S/o Late Shri Gopal Gupta and Bindiya Gupta W/o Yogesh Gupta (Mobile 95604 36456) for hatching conspiracy in taking possession of



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shop by preparing fake papers of the shop and committing cheating and fraud. I am a resident of Faridabad. I am a single lady. My age is around 76 years. I have multiple medical problems. I am the owner of one Shop No.6, Sector 21A, Faridabad which was allotted to me through auction by Haryana Urban Development Authority on 09.07.1987. However, shop was already in possession of some other person I wrote multiple letters to Haryana Urban Development Authorities to have the shop vacated. After that I shifted with my sister's daughter and son-in-law to 3A, GRACILIS COURT, Endeavour Hills, Melbourne (VIC), Australia, I found out while residing here that Bindiya Gupta had instituted a false case against me in the Faridabad District Courts, in regard to which I asked my advocate to appear, consequently it was found that Yogesh Gupta and Bindiya Gupta had illegally taken possession of my shop and by committing fraud they had prepared fake documents of the shop's house tax in their name through the fake documents they also got registered MSME in the shop's address as well as they got the electricity meter in their name. It was also found that before this case, they had filed a case in 2013 in the Faridabad District Courts against me (showing Ashok Mittal to be my GPA holder). These three people in connivance with each other got the case dismissed in default. I had also given a complaint against them to the CM Flying Window, upon which no action has been taken. Now, I have found out that Ashok Mittal in connivance with these people have prepared a fake agreement to be a party in the case filed against me. It only means that Ashok Mittal, Yogesh Gupta and Bindiya Gupta want to illegally acquire my shop at any cost. I have also given a written statement to the Tehsildar office, Faridabad that there should be no action taken with regard to my property but these people can go to any limit to take my shop and cause damage to me. Thus, it is my request that the fake documents prepared by the above mentioned culprits,



Ashok Mittal, Yogesh Gupta and Bindiya Gupta be recovered and strict action be taken against them. I live in Australia with my sister's daughter and son-in-law, however, I am currently in Faridabad. After I return to Australia, my son-in-law Vishal's friend Vivek Rawal (Bobby Rawat) S/o Shri Padam Singh, R/o H.No.29. Chawla Colony, Ballabgarh has been authorized by me to tend to this matter in my absence. Applicant Basant Mala.

3. The learned counsel for the petitioner contends that the petitioners were tenants in the shop in question. A civil suit for permanent injunction has already been filed by the petitioners against the complainant in which interim injunction has been granted in favour of the petitioners. The dispute is, essentially, of a civil nature. There is no explanation as to why the complainant did not take any steps since 1987 to get her shop vacated. As the entire case of the prosecution is based upon documentary evidence, the custodial interrogation of the petitioners is not required, particularly, when they have joined investigation.

4. The learned counsel for the complainant, on the other hand, contends that the petitioners had initially filed a civil suit for permanent injunction against the complainant-Basant Mala through her GPA holder-Ashok Mittal (co-accused), Estate Officer, Haryana Urban Development Authority (HUDA), Faridabad and the Administrator, Haryana Urban Development Authority (HUDA), Faridabad in 2013. In the said suit, the petitioners had claimed possession by way of tenancy from the month of April 1997 @ Rs.1200/- per month. They admitted that there was an electricity connection in the name of the complainant for which they had been paying charges. The said suit has been dismissed in default on 16.10.20215. Subsequently, a second suit for permanent injunction has been



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preferred against the complainant, Administrator, Haryana Shahri Vikas Pradhikaran (HSVP), Faridabad and Estate Officer, Haryana Shahri Vikas Pradhikaran (HSVP) , Faridabad. In the said suit, in which an interim injunction has been granted, the plaintiffs-petitioners claim that they were in possession since November, 1997 on a monthly rent of Rs.3500/- and that they had taken the premises on lease from the complainant. The difference in the version of the first civil suit and the second civil suit regarding when the tenancy began, what was the rent payable and who had given the premises on lease are totally different which only goes to show that the petitioners in connivance with Ashok Mittal/co-accused obtained possession fraudulently after forging documents. In fact, there is absolutely no original document on record showing how and in what manner Ashok Mittal obtained possession which he, thereafter, handed over to the present petitioners. Further, it has transpired during the course of the investigation that the petitioners got the electricity connection transferred in their name alongwith the house tax. They also got the shop in question registered in their name in MSME by forging documents. Even the GST registration was obtained on the basis of forged documents. Multiple letters were written by the complainant to the authorities to the effect that possession be handed over to her as the shop is in the illegal possession of persons. Despite joining investigation, the petitioners have not co-operated with the same inasmuch as they have not provided any original document to substantiate their tenancy over the premises in question. Therefore, the present petition is liable to be dismissed.

5. The learned counsel for the State has vehemently opposed the bail application containing that the case set-up by the petitioners in the first



civil suit and the second civil suit as regards how they obtained possession and what rent was being paid by them is different from each other which only goes to show that it is a fabricated version and that in fact, Ashok Mittal handed over the possession of the shop of the complainant to the petitioners without any documentation. The petitioners have not provided any original document explaining the manner in which they came into possession of the shop in question. Therefore, as the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioners is required and the present petition is liable to be dismissed.

6. I have heard the learned counsel for the parties at length and examined the record.

7. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has 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.***



8. A perusal of the evidence on record would show that the complainant was allotted the shop in question in 1987. However, the said shop was in illegal possession because of which she wrote multiple times to Estate Officer, HUDA seeking physical possession thereof. Some of these letters have been shown to this Court a perusal of which makes it apparent that the complainant had been seeking actual physical possession. Later, it transpired that Ashok Kumar Mittal (co-accused) had fabricated an agreement to sell and a GPA purportedly executed by the complainant in his favour on 03.12.1997. Apparently, he handed over the possession of the shop to the present petitioners without any documentation whatsoever. Neither the Ashok Kumar Mittal (co-accused) nor the petitioners have produced any evidence as to how and in what manner the petitioners were in possession of the shop of the complainant-Basant Mala. On the contrary, In the first civil suit, the case of the petitioners was that they were inducted as tenants by the complainant through her GPA -Ashok Kumar Mittal in April 1997 @ Rs.1200/- per month. Surprisingly, the agreement to sell/GPA on the basis of which Ashok Kumar Mittal claims possession is dated 03.12.1997. In the second civil suit instituted by the petitioners against the complainant, etc. the averment is that they had been put in possession by the complainant in November 1997 @ Rs.3500/- per month. Incidentally, this averment is also false in the context of the GPA and the agreement to sell which are dated 03.12.1997. Thus, apparently, it seems that Ashok Kumar Mittal (co-accused) fabricated documents, obtained possession from those who were in illegal possession of the shop and subsequently, handed over the possession to the petitioners. It may be reiterated here that there is absolutely no original document on record showing the



ownership/possession of either Ashok Kumar Mittal or the present petitioners. Incidentally, Ashok Kumar Mittal/co-accused has also filed a civil suit for specific performance in 2024 on the basis of a fabricated GPA and Agreement to Sell dated 03.12.1997.

9. The State has filed a status report dated 16.05.2025 by way of affidavit of Narender Kumar, HPS, Assistant Commissioner of Police, Economic Offence Wing, Faridabad (in the connected petition bearing No.CRM-M-16702-2025 titled as Ashok Kumar Mittal versus State of Haryana) and the relevant extract pertaining to the role played by the petitioners and their co-accused/Ashok Kumar Mittal is reproduced hereinbelow:-

5. That prima facie it has been transpired after perusing the complaint that the accused persons had got the electricity connection transferred in their name, house tax from the office Municipal Corporation transferred in their name and also got a firm registered in their name at the MSME shop by forging documents to prove their ownership. That it is worthy to mention here that the accused failed to provide any original document to assert their claims of ownership and in-fact all the documents were prepared by forging and miss leading other documents.

6. That during the investigation, the records from The Office Of The Estate Office, HSVP, Sector-12, Faridabad were obtained regarding the ownership of the Shop and perusing the records it transpired that:

a. As per record, the Commercial Booth/Shop no. 06 Sector 21A Faridabad was allotted in the name of Smt. Basant Mala D/O Sh. Sahib Ram vide this office memo no. 21789 dated 09.07.1987.

b. That the conveyance deed was executed on 05.11.2024 in favour of Smt. Basant Mala D/O Sh. Sahib Ram Arora.



c. That at present the Booth/Shop is transferred in the name of Sh. Sagar Kakkar S/o Ravi Kakkar vide this office memo no. 2553 dated 14.11.2024.

That there is no mention of the names of the present petitioner accused Ashok Kumar Mittal or the other co-accused Yogesh Gupta and Bindiya Gupta being the owner of the above mentioned shop.

7. That during the initial investigation by the agency, the co-accused Yogesh Gupta told the investigation agency that he started living in the property in the year 1997 as tenant, but he failed to produce any rent agreement or any receipts in relation thereto. That this fact shows that the co-accused Bindiya Gupta and Yogesh Gupta have got all the documentations done in collusion with each other along with the present petitioner accused Ashok Kumar Mittal and on the basis of using these fake and forged documents.

8. That during the investigation the record from the electricity department was obtained regarding the ownership of the Meter installed at the premises in question and it transpired that the co-accused Bindiya Gupta is the consumer and the record pertaining to file bearing number F-14-320-342 was perused and it transpired that:

A. co-accused Bindiya Gupta had submitted a copy of forged registry at the time of load reduction on 20.03.2020. That after perusing the said document it further transpired that the co-accused Bindiya Gupta had uploaded the file bearing Registry No. 3981 dated 03.06.2015 and it was found that this registry has been done by Sorma Devi wife of Shri Ramesh Chandra, District Hisar, in the name of Yogesh Gupta and Bindiya Gupta and this registry is related to the property Flat No. B-8, ON Forth Floor Block-B, Construction upon Plot No. GH-10 Sector-21D, Faridabad and not of the Shop No. 6, Sector-21A, Faridabad in question. That the co-accused Bindiya Gupta and Yogesh Gupta miss appropriately used this registry for this address for their wrongful gains and committed forgery.



B. during the investigation it further transpired that the document No. 3981 dated 03.06.2015, was made blurred and illegible while uploading it on the system of the electricity department with the intention of cheating.

C. it further transpired that record were sought from Electricity Department Xen DHBVN Old Faridabad Sector-15, Faridabad regarding Electricity Meter connection/account No. 3363340000 Commercial Booth No. 6. Sector-21A, Faridabad, and on the basis of Executive Engineer Office's letter No. Ch-61/CC-1 dated 08.04.2025 and on the basis of letter of SDO 'OP' S/Division Sec-21, DHBVN, OLD Faridabad's Memo No. 1842 dated 08.04.2025 it was found that the said Electricity Connection Account No. 3363340000 is very old and its record/file is not available in SDO office.

D. it further came to light that as per SDO's reply, that the records were migrated in the Electricity Department in the year 2015 and due to this data entry was done on the computer and for the said record the computer showed a entry of 01.01.1966 and as per the record it has been displayed that "as per the CCB record date of connection is 01.01.1966; The meter was installed in the name of Basant Mala on dated 01.01.1966 and name change was applied in the name of Bindiya Gupta on 14.03.2019; but due to loss of records prior to 14.03.2019, Electricity Department could not provide correct information as to when and on what basis electricity connection was made in the name of Basant Mala and how the connection was changed from Basant Mala to Bindiya Gupta." That it further transpired perusing the record that co-accused Bindiya Gupta had applied for the abovementioned electricity meter connection bearing account no. 3363340000 as per application No. F14-319-352 dated 14.03.2019 and the co-accused Bindiya Gupta in the name of Basant Mala submitted an online application by providing incorrect, forged and false information and got the electricity connection transferred in her name.

E. during the investigation while examining the record it came to light that this Change of Name, Aadhar Number of Bindiya Gupta 2725 1954.9003 bearing address House Number 1009, Sector-21C, Faridabad, copy of Airtel Landline Bill and House Tax Receipt No. 159216 of Bindiya Gupta having address of Shop No. 6, Sector-21A, Market NIT Faridabad documents are attached and this Change of Name has been done wrongly without furnishing the Ownership documents of Shop No. 6,



without Rent Agreement or without Sale Deed shows the malafide intention of the co-accused Bindiya Gupta.

9. That it has further came before the investigation agency that on the basis of fake and forged documents, the co-accused Yogesh Gupta and Bindiya Ofthioneri Gupta got their proprietary consultancy and event management company/firm registered at the shop address whereas, they failed to produce any rent agreement or document in relation thereto and it transpired during the investigation of this fact that:

A. co-accused Yogesh is the proprietor of the Firm and the registration number of the firm is 06AIBPG7341K2ZB as per the record received from the GST department on 11.10.2018.

B. during the investigation it came to light that the GST number of this firm has been issued on the basis of House Tax receipt on 11.10.2018 having details i.e. House Tax receipt No. 2901 for an amount Rs.2413 on which Shop No. 6, Sector-21A, MCF is written and the House Tax receipt has been issued by the Municipal Corporation in the name of Shop No. 06, Sector-21A and not in the name of co-accused Yogesh Gupta and even then the co-accused Yogesh Gupta with the intent of fraud dishonestly got transferred the property of someone else in his name by manipulating and forging documents.

C. during the investigation GST department's Inspector Surendra Kumar Meena's statements were recorded and as per the same it transpired that the abovementioned records are not sufficient documents for issuing the GST registration number and certificate and this GST registration has been issued wrongly and the balance sheet/audit report of this firm has not been filled by the taxpayer. That this fact also transpired that the co-accused Yogesh Gupta and Bindiya Gupta have fraudulently created bogus documents of this property in their name from the government departments with the intention of becoming the owner of the disputed property with the intention of taking the possession of it.

D. during the investigation record from Labour Inspector was obtained in reference to the requirements of "Property Consultancy & Event Management Company" Office at Shop No. 6, Huda Market Sector-21A, Faridabad and upon examination it was found that this



Registration. bearing Certificate, Reg No. PSA/REG/FBD/LI-FBD-1-2/0068578 dated 12 July 2012 has been done under the provisions of Section-13 of the Punjab Shop and commercial establishment act 1958. That it further came to light that "as per these rules, while registering a shop or any office under this Act, it is necessary to have the rent agreement or 12 ownership proof of the said shop or office like sale deed, GPA. Full and Final Agreement" but in this case, there is no rent agreement or sale deed and the registration is wrongly done only on the basis of the bill of kulfi and ice cream of KUKU SOFTY BAR by uploading it online in the name of NEED SHOP and in this way the co-accused Yogesh Gupta has prepared a government document in his name with the intention of fraud and dishonesty by getting registered in the Labor Department having the address of Shop No. 6, Huda Market Sector-21A, Faridabad.

10. That during the investigation, the record were obtained from the Office of Joint Director of MSME Department, District Micro, Small and Medium Enterprises Center Faridabad in respect of M/S Need Property Consultancy & Event Management Co. Office No. 6, Huda Market Sector-21A, Faridabad and after perusing the record it transpired that the firm M/S Need Property Consultancy & Event Management Co. Office No. 6, Huda Market Sector-21A, Faridabad is registered on the Udyam Registration Portal with Udyam Registration Number: UDYAM-HR-03-0047486 for MICRO industry through by co-accused Yogesh Gupta. That it further transpired that this registration has been done on the basis of the information furnished online in the MSME Registration Online Form and no documents were got attached with it and this registration has been generated online by the co-accused Yogesh Gupta.

11. That during the investigation it further transpired that on what basis the No Dues Certificate dated 15.08.2023 issued in the name of co-accused Bindiya Gupta from Municipal Corporation Faridabad and from the records obtained from Regional and Taxation Officer Zone-11, Municipal Corporation Faridabad regarding the receipts of House Tax, Nagar Nigam it



came to light that as per to the old manual D & C register of the Municipal Corporation, Shop No. 6, Sector-21A, was registered in the name of Without Name/Huda and by the Surveying Agency it was found in the name of co-accused Bindiya Gupta's ID and upon that basis co-accused Bindiya Gupta had obtained her online "No Dues Certificate" by paying property tax online through NDC Portal. That as per the records obtained by been found that Under Section 93(2) of Haryana Municipal Corporation Act 1994, "no person is given the right of ownership by the corporation in the property tax records, the records are prepared only for collecting property tax."

12. That after obtaining and examining the records from various departments it transpired that the co-accused Bindiya Gupta and Yogesh Gupta have used the Municipal Corporation's House Tax receipt as proof of ownership in obtaining electricity connection, for applying for load reduction and for getting GST registration number from the GST Department and the same is wrong and illegal and is done with an intention of fraud and dishonesty and also with an intention to prepare forged and false documents in government departments and to use them as proof of ownership of the said Shop.

13. That the co-accused Yogesh Gupta and Bindiya Gupta have also filed their Anticipatory Bail Petition bearing no. CRM-M-814/2025 and the same is pending before the Hon'ble Court for 27.05.2025. That the investigation officer had issued notice under section 94 of BNSS dated 08.05.2025 qua co-accused Yogesh Gupta and Bindiya Gupta for them to produce the original documents in relation to the ownership of the shop, but the co-accused failed to appear before the investigation agency till 12.05.2025, along with original documents shows the malafide of the co-accused.



14. *That the present petitioner accused Ashok Mittal has stated that he had got prepared an agreement dated 03.12.1997 for purchasing the Shop No. 06, Sector-21A, Faridabad from the complainant Smt. Basant Mala. That during the investigation the complainant Basant Mala was joined in the investigation and she has stated that she did not made any such agreement in the name of the present petitioner accused Ashok Mittal and informed the investigation agency that said agreement is forged. That it further transpired as per the statement of the present petitioner accused Ashok Mittal that he has a GPA bearing No. 5124 dated 03.12.1997 executed by the complainant Basant Mala for transfer of the property Shop No. 6, Sector-21A, Faridabad, but the complainant refused that she had got prepared any such General Power of Attorney.*

15. *That during the investigation it transpired that the present petitioner accused Ashok Mittal conspired with co-accused Yogesh Gupta and Bindiya Gupta and helped them in getting the possession of Shop No. 6, Sector 21A, Faridabad. That the present petitioner accused Ashok Mittal had got prepared forged documents of this property i.e. the Agreement and the General Power of Attorney and upon the same he has claimed his right by filing a Civil Suit in The Ld. Civil Court in the year 2024. That during the investigation and as per the record it has transpired that since year 1997 till now, on the basis of the above mentioned ownership documents i.e. the agreement and GPA, the above mentioned property was not got transferred in the present petitioner accused Ashok Mittal's name from the HUDA department and neither the present petitioner accused Ashok Mittal had filed any case for getting it registered from Huda to his name. That it further transpired that the present petitioner accused Ashok Mittal is helping and assisting co-accused Yogesh Gupta and Bindiya Gupta in taking possession of the said property.*



16. That in the present case, Notice U/s 94 BNSS was issued to the present petitioner/accused Ashok Mittal for obtaining the disputed records from him and on 03.04.2025, the present petitioner/accused Ashok Mittal didn't appear instead petitioner accused Ashok Mittal, 2 unknown persons along with Lawyer Virendra Singh Dagar appeared before the investigation agency and they had presented the photocopies of the agreement dated 03.12.1997 and General Power of Attorney dated 03.12.1997 and the same were blurred and unclear and they failed to apprise the investigation agency with any original documents.

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18. That during investigation, the present petitioner accused Ashok Kumar informed the investigation agency that in the year 1997, K.G. Madan (the real brother-in-law of Basant Mala) showed him this property Shop No. 06, Sector-21-A, Faridabad and on 03.12.1997 the present petitioner accused Ashok Kumar had paid Rs. 1,80,000/- in cash and made a full and final agreement for this property from Basant Mala and executed a GPA/Power of Attorney General bearing Reg. No. 5124 dated 03.12.1997 registered in Tehsil Faridabad. That the present petitioner accused Ashok Kumar further told during the investigation that he took possession of the shop in December 1997 itself and rented the shop to co-accused Yogesh Gupta Rs.2000/- per month and since December 1997 to the year 2004/05, co-accused Yogesh Gupta had given the rent to the present petitioner accused Ashok Kumar and after that co-accused Yogesh Gupta stopped paying the rent and the present petitioner accused Ashok Kumar became very ill and was unable to get his shop vacated. That the present petitioner accused Ashok Kumar further told that he had filed the case Civil Suit CS-2653 dated 11.09.2024 in Faridabad court for Specific Performance with a Consequential Relief of Declaration and Permanent Injunction and the next date of

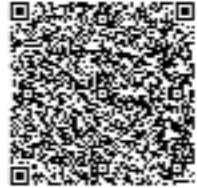


hearing is 19.05.2025 and the present petitioner accused Ashok Kumar also told that the complainant Basant Mala had taken Rs. 1,80,000/- from him in 1997 for selling this property and made an Agreement and GPA.

19. That it is pertinent to mention here that the present petitioner accused Ashok Kumar had failed to provide any original documents in support of his assertions and also failed to apprise the investigation agency that why the present petitioner/accused Ashok Kumar had not taken any action against the co-accused Bindiya Gupta and Yogesh Gupta and hence shows that all the accused are in conspiracy had forged documents and cheated the complainant and got prepared false documents of the shop and had wrong full gains to them.

20. That it is worthy to mention here that the custodial interrogation of the present petitioner along with co-accused is required as to investigate about the original documents also for the recovery of the forged and fabricated documents and also to investigate who else had assisted the accused persons to get prepare all these forged documents for the wrongful gains of the present petitioner accused and the co-accused.

10. The extract of the affidavit dated 16.05.2025 filed by the State shows the specific role played by each accused including the petitioners. The affidavit enumerates how and in what manner the petitioners and their co-accused are stonewalling the investigation by either not joining the same or not co-operating with the investigating agency by not handing over the original documents. In fact, neither the petitioners nor their co-accused/Ashok Kumar Mittal have produced any original document to prove their ownership or tenancy over the premises in question. The petitioners have not only obtained possession fraudulently but have procured a GST number and registered themselves under MSME on forged



documents. Unfortunately, the complainant who is an old lady of the age of 76 years has been made to run from pillar to post for a property which was allotted to her way back in the year 1987 of which she does not have possession till date and to the contrary, the possession of which has been taken over by the accused without any original documents whatsoever.

11. In view of the aforementioned discussion, not only is the offence *prima facie* established but to take the investigation to its logical conclusion, the custodial interrogation of the petitioners is certainly required.

12. Therefore, I find no merit in the present petition and the same stands dismissed.

13. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

14. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

August 25, 2025

sukhpreet

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No