



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

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**CRM-M No.54135 of 2023
Date of decision : 8.7.2025**

Rajendra Kumar @ Rajinder Kumar NagarPetitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kulwinder Bhargav, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

Mr. Puneet Kapoor, Advocate and

Mr. B.P. Singh, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.47 dated 22.08.2023, under Sections 406, 420, 419, 465, 467, 468, 120-B IPC, registered at Police Station PS Handesra, District SAS Nagar (Mohali).

2. On 25.10.2023, the following order was passed:

'The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in FIR No.0047 dated 22.08.2023, under Sections 406, 420, 419, 465, 467, 468, 120-B of IPC, registered at Police Station Handesra, District SAS Nagar Mohali. Learned counsel for the petitioner contends that the dispute revolves around between the parties is with regard to the purchase of land for a consideration and one of the parties to the said agreement has not performed its part and dispute arose on account of not paying the money by the complainant and not executing the agreement to get it registered with the accused persons. He asserts that the petitioner is in fact was not connected to the said land belonging to the complainant, but has been



nominated as an accused merely for being in close relative with the other accused person.

Learned counsel for the petitioner also refers to the order dated 15.09.2023 (Annexure P-9) passed in CRM-M-46250-2023 by a coordinate Bench of this Court vide which the co-accused namely Onkar Chand has been granted the concession of interim protection recording the fact that the civil suit between the parties is already pending before the Court of Shri Chetesh Gupta, Civil Judge (Jr.Division), Chandigarh.

Notice of motion.

On the asking of Court, Mr. Sandeep Kumar, DAG Punjab accepts notice on behalf of respondent-State, who on instructions from ASI Jatinder Pal submits that the case of the petitioner is not at par with the co-accused Onkar Chand, but could not deny the fact that the dispute is the same.

Mr. Puneet Kapoor and Mr. Munish Kumar, Advocates have put in appearance on behalf of complainant and vehemently opposes the concession of anticipatory bail on account of the fact that the petitioner is a habitual offender, who is involved in various other FIRs of same nature, as has been detailed hereinbelow:-

- 1. FIR No.220 dated 17.06.2021, under Sections 420, 406, 506, 120-B of IPC, registered at Police Station Ambala City, District Ambala.*
- 2. FIR No.173 dated 21.06.2021, under Sections 420, 406, 506, 120-B of IPC, registered at Police Station Mahesh Nagar, District Ambala.*
- 3. FIR No.257 dated 26.08.2021, under Sections 420, 406, 506, 120-B of IPC, registered at Police Station Mahesh Nagar, District Ambala.*
- 4. FIR No.5 dated 05.01.2022, under Sections 420, 406, 506, 120-B of IPC, registered at Police Station Saha, District Ambala.*
- 5. FIR No.38 dated 13.01.2022, under Sections 420, 406, 506, 120-B of IPC, registered at Police Station Sohana, SAS Nagar Mohali.*
- 6. FIR No.240 dated 14.08.2019, under Sections 328, 392 of IPC, registered at Police Station Meerut, District Meerut (Uttar Pradesh).*
- 7. FIR No.49 of 1993, registered at Police Station R.K. Puram New Delhi.*

Learned counsel for the complainant on the strength of above urges that the petitioner has not approached before this Court with clean hands, as non-bailable warrants stand issued against him.

Learned counsel for the petitioner counters the aforesaid submissions stating that the non-bailable warrants have not been issued in the instant FIR, but in another FIR bearing No. 5 dated 05.01.2022.



Be that as it may, since the dispute between the parties is prima facie of the civil nature, wherein the performance of their part to an agreement for sale of particular land has not been fulfilled; this litigation has taken place in the form of criminal as well as civil. Once the civil suit is pending between the main accused and the complainant, dragging the petitioner in the instant FIR is only an abuse of process of law, prima facie as is refined by this Court.

As far as pendency of other criminal cases is concerned, this Court in various judgments has already observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and is not material for the instant FIR.

However, without taking the aforesaid observations as a final view of this Court during the course of trial, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 16.11.2023.

To be taken up alongwith CRM-M-46250-2023.'

3. Learned State counsel (on instructions) submits that pursuant to the order dated 25.10.2023, the petitioner has joined investigation but is required for custodial interrogation as the money is yet to be recovered. Learned State counsel has further submitted that the petitioner, at the time of joining investigation, had submitted to the police that two more persons are involved but their details are yet to be verified.

Learned counsel for the complainant has vehemently opposed the grant of bail to the petitioner by asking that the recovery of the money in question is yet to be made. It has been further iterated that there are serious allegations against the petitioner and in case he is extended the



concession of anticipatory bail, there is all likelihood of his absconding from the process of justice or interfering with the investigation.

4. Keeping in view the entirety of the facts and circumstances of the case, especially, the petitioner having joined investigation and his custodial interrogation being sought primarily for effecting recovery of the money in question from the petitioner, this Court is inclined to confirm order dated 25.10.2023.

5. In view of the above, the instant petition is allowed. The interim order dated 25.10.2023, passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) of the Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) of the Cr.P.C or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

8.7.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No