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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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1. CRM-M-27039-2025 (O&M)
Date of decision: 02.07.2025

Rajesh Kumar Gaba .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

2. CRM-M-28876-2025
Date of decision: 02.07.2025

Sanjeev Kumar Gaba .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

3**. CRM-M-32416-2025**
Date of decision: 02.07.2025

Manoj Kumar .....Petitioner

Versus

Central Bureau of Investigation .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sartej Singh Narula, Advocate
for the petitioners in all the petitions.

Mr. Ravi Kamal Gupta, Spl. Public Prosecutor,
for the respondent-CBI.

Mr. P.S. Ahluwalia, Advocate and
Mr. Keerat Dhillon, Advocate
for the complainant.

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<u>MANJARI NEHRU KAUL, J.</u>

1. This common order shall dispose of abovementioned three

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petitions seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed by petitioners-Rajesh Kumar Gaba, Sanjeev Kumar Gaba and Manoj Kumar, who are accused in FIR No.RC0512023S0012 and RC0512023S0013, registered by the CBI for offences under Sections 120-B, 452, 323, 506, 427, 148, 149, 420, 465, 467, 468, 471 of the IPC (Section 465 of the IPC deleted and Sections 408 and 193 of the IPC added lateron), on 15.11.2023.

2. Learned counsel appearing for the petitioners contended that the petitioners have been falsely implicated in the present FIR which, according to them, arises from the same property dispute that formed the subject matter of earlier FIR No.133 dated 10.03.2022, registered under Sections 452, 323, 427, 506, 148, 149, 380, and 120-B IPC, in which they were granted regular bail by the learned Trial Court vide order dated 21.03.2022.

3. It was submitted that pursuant to this Court's order dated 18.10.2023 (Annexure P-12), the investigation of FIR No.133 of 2022 was entrusted to the CBI. During the entire period of investigation, the petitioners cooperated fully and did not misuse the concession of bail. However, during the pendency of the said investigation, the CBI registered a fresh FIR, bearing No.RC0512023S0013 dated 15.11.2023, arising from the same factual matrix (Annexure P-16), and ultimately filed a composite challan in respect of both FIRs before the learned Special Judicial Magistrate, CBI, SAS Nagar, without arresting the petitioners at any stage.

4. It was further contended that despite the fact that custodial

interrogation of the petitioners was never sought by the CBI during investigation, and no action was taken against them for non-cooperation, the learned Special Judicial Magistrate, CBI, vide order dated 29.03.2025, has erroneously chosen to summon the petitioners and issued non-bailable warrants, even though similarly placed co-accused have been granted anticipatory bail.

5. Reliance was placed on the order dated 02.05.2025 (Annexure P-20), whereby the learned Special Judge granted anticipatory bail to co-accused on similar grounds, but erroneously declined relief to the present petitioners.

6. Learned counsel placed strong reliance on the judgment of the Hon'ble Supreme Court in ***Siddharth Vs. State of Uttar Pradesh and another : 2021 SCC OnLine SC 615***, wherein it was held that arrest is not mandatory if the accused has cooperated throughout the investigation and there exists no apprehension of absconding or non-compliance with summons. He also referred to the decision in ***Aman Preet Singh Vs. CBI, Criminal Appeal No.929 of 2021***, wherein the Hon'ble Court extended the concession of anticipatory bail in a case involving economic offences, considering the accused's conduct during investigation.

7. *Per contra*, learned Special Public Prosecutor for the CBI, assisted by learned counsel for the complainant-Trust, vehemently opposed the petitions. Learned Special Public Prosecutor for the CBI, assisted by learned counsel for the complainant Trust, vehemently argued that the allegations against the petitioners are grave, extensive,

and indicative of a well-orchestrated criminal conspiracy that goes far beyond a mere property dispute.

8. It was categorically submitted that the petitioners, in active connivance with various co-accused, including revenue officials, banking officers, a practising advocate (Vikas Kumar), registrar, police officers, and even judicial officers, executed a premeditated plan to grab approximately 8 acres of valuable land belonging to the Guru Nanak Vidya Bhandar Trust by fabricating documents and manipulating legal procedures. It was revealed during investigation that a fake trust deed dated 07.03.1980 was prepared in the year 2021. Further, a forged Certificate of Registration dated 10.10.1980 purportedly issued by the Registrar of Societies, Government of NCT of Delhi, was fabricated to show legitimacy—when, in fact, the NCT of Delhi came into existence only in 1991. This, according to the learned Special Public Prosecutor for the CBI, demonstrates not merely forgery in simpliciter, but a deliberate and calculated fraud to usurp trust property. The petitioners, it was submitted, did not act in isolation but engaged in forum shopping, manipulation of legal proceedings, and recording of false statements, including an attempt to influence the course of judicial proceedings. It was further alleged that the petitioners orchestrated a pressure campaign against the genuine manager of the Trust by filing two complaints with the specific objective of compelling him to support the forged version.

9. Most significantly, learned Special Public Prosecutor for the CBI as well as the learned counsel for the complainant-Trust drew

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the attention of this Court to the incident involving witness Harjit Singh, who was allegedly won over by inducements worth ₹73,30,000/- to remain silent and not contest civil litigation initiated by the genuine Trust. Another witness, Kavita, was also allegedly influenced. It was submitted that this case reflects an instance of organised land mafia activity, with the petitioners as the central conspirators, wherein forged documents were used to execute an illegal lease agreement in favour of petitioner Sanjeev Kumar Gaba with the assistance of a Naib Tehsildar and other co-accused. Petitioner Rajesh Kumar Gaba is alleged to have played a key role in preparing and submitting fabricated documents pertaining to the dissolution of society in 1947–48, to the Registrar, Firms & Societies, Punjab, Chandigarh.

10. It was still further submitted that the conduct of the petitioners poses a real and imminent threat to the integrity of the trial process. Despite issuance of bailable warrants, the petitioners failed to comply. Subsequently, the learned Trial Court extended interim protection from non-bailable warrants on an application filed by co-accused Rajeev Kumar Gaba, even though petitioner Manoj Kumar had not filed any bail application at that time, demonstrating even manipulation of judicial process. It was forcefully argued that in light of these circumstances, custodial interrogation of the petitioners is imperative to ensure a fair trial and prevent further tampering of evidence.

11. The learned Special Public Prosecutor as well as learned counsel for the complainant-Trust further placed reliance on ***Serious***

Fraud Investigation Office Vs. Aditya Sarda : 2025 SCC OnLine SC 764 wherein the Hon'ble Supreme Court cautioned against routinely granting anticipatory bail in matters involving economic offences, misappropriation of public funds, and fraud, reiterating that such relief should be granted only in exceptional circumstances; ***Srikant Upadhyay & Ors. v. State of Bihar & Anr., SLP (Crl.) No. 7940 of 2023***, especially para 23, wherein the Apex Court rejected the proposition that non-requirement of custodial interrogation alone is sufficient to grant anticipatory bail, emphasizing instead the larger public interest and fairness of investigation/trial.

12. I have heard learned counsel for the parties and perused the relevant material on record.

13. *Prima facie*, the present case involves serious, structured, and systemic fraud, undertaken with the deliberate intention to grab land belonging to a public charitable trust. The seriousness of the offence is made worse by the involvement of public officials and legal professionals, the creation of fake documents claimed to be several decades old, and efforts to make these false documents appear genuine by misusing official systems and legal procedures. Furthermore, as per the allegations levelled in the FIR, as well as the material collected during the course of investigation—details of which are set out in the challan annexed with the reply filed by learned counsel for the complainant-Trust—it is alleged that the present petitioners, in collusion with other co-accused, prepared and used forged and fabricated documents as genuine with an intention to illegally acquire

valuable land belonging to the complainant-Trust.

14. The investigation further reveals that the petitioners conspired with several influential individuals across various departments, including DSP Kuljinder Singh, revenue officials, and bank personnel. As part of this conspiracy, a civil suit was initiated against the complainant trust.

15. Specifically, petitioner Sanjeev Kumar Gaba is alleged to have acted in connivance with the Naib Tehsildar, Sub Registrar, and other co-accused in creating and deploying these forged documents. Petitioner Rajesh Kumar Gaba is also alleged to have played an active role in furthering the conspiracy by utilizing the forged documents and submitting fabricated records related to the alleged dissolution of society during 1947-1948 to the Registrar, Firms & Societies, Punjab, Chandigarh.

16. It is not a case of isolated fabrication or a simple civil dispute but a comprehensive and deeply troubling conspiracy involving-fabrication of false trust documents and certificates; manipulation of civil and criminal proceedings; use of forged records for illegal land acquisition; influencing of witnesses through coercion and inducement; undermining the integrity of institutions and misusing legal procedures.

17. The submission made by learned counsel for the petitioners that the petitioners, having already been granted regular bail in FIR No.133 dated 10.03.2022, are now being maliciously implicated by the investigating agency solely on the basis of addition of new penal

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provisions, does not inspire confidence of this Court.

18. It is pertinent to note that the petitioners have been named as accused in two distinct FIRs. The first, FIR No.133 dated 10.03.2022, was registered under Sections 452, 323, 427, 506, 148, 149, 380, 120-B of the IPC. The second, FIR No.RC0512023S0013 dated 15.11.2023, has been registered under a broader and more serious set of offences, including Sections 120-B, 452, 323, 506, 427, 148, 149, 420, 465, 467, 468, 471 of the IPC. Therefore, the argument that the present proceedings are merely an extension of the earlier case, without any substantive basis, is untenable.

19. The fact that the petitioners were not arrested during the investigation is not, by itself, a sufficient reason to grant them anticipatory bail. The evidence on record clearly indicates a real and immediate risk that the petitioners may interfere with the evidence, influence witnesses, and obstruct the course of justice.

20. The reliance placed on ***Siddharth and Aman Preet Singh's cases (supra)*** by learned counsel for the petitioners is misplaced, as those decisions were rendered in materially different factual contexts, and do not justify anticipatory bail in a case involving such far-reaching allegations of institutional fraud.

21. It is well-settled that in cases involving economic offences of a grave nature, anticipatory bail cannot be granted as a matter of routine. The Hon'ble Supreme Court has repeatedly emphasized that such offences pose a serious threat to the financial and moral fabric of society.

22. This Court is also constrained to observe that non-cooperation in complying with summons and warrants, as reflected from the zimni orders, further substantiates the apprehension that the petitioners may interfere with the judicial process if granted anticipatory bail.

23. Considering the seriousness of allegations, possibility of further interference with the trial, and imperative need for custodial interrogation, this Court finds no ground to extend the extraordinary concession of anticipatory bail to the petitioners. Consequently, all three petitions stand dismissed.

24. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25. Pending applications, if any, stand disposed of.

26. A photocopy of this order be placed on the files of other connected cases.

02.07.2025 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No