

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

**CRM-M-11026-2016
Date of decision :27.09.2017**

Vinod Bhati

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Nishant Tanwar, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Ram Bilas Gupta, Advocate
for the complainant.

H.S. MADAAN, J.

This application for regular bail has been filed by petitioner –
Vinod Bhati an accused in FIR No.226 dated 11.06.2013 under Sections
420, 467, 468, 471, 120-B IPC, Police Station Sarai Khawaja, District
Faridabad.

Briefly stated facts of the case are that Gyasi Lal Sharma son of
Mahadev Sharma resident of Kothi No.1, Sanjay Colony, Opposite Surya
Nagar, Sehatpur, Faridabad, Haryana submitted a written complainant to the
Joint Police Commissioner, Sector 21-C, Faridabad against Joginder Singh

alias Gindi and eight others including Vinod Bhati son of Kesh Raj Bhati resident village Nayana @ Faridabad Greater Nodia, District Gotam Budh Nagar (UP) on the allegations that he is owner in possession of land measuring 110 Kanals situated in village Ismylepur, Tehsil and District Faridabad; that Munna Lal Gupta son of Chander Prakash Gupta and Mahesh Sharma are involved in making available the forged papers and documents to accused persons and then in connivance with them selling his land fraudulently; that when he asked them not to do so, they threatened to kill him and his family. Inter alia in the complaint, the complainant had contended that such accused are selling his land showing it to be in their name with the help of administration and politicians, though they do not have any right or title in the said land; that the accused are playing fraud with innocent persons selling his land in pieces on the basis of receipts and receiving money from innocent people; that after receiving money they raise the construction of house over night and give the possession to those people; that when he inquired from the persons having their houses constructed over his land then they told him that they purchased the land from accused persons; that he had submitted a complaint to the police earlier but no action was taken; that he had sent complaints to various other quarters and prayed that necessary action be taken.

After registration of the FIR matter was investigated, accused was arrested in this case on 18.08.2015. Presently the petitioner is facing trial in the Court.

I have heard learned counsel for the parties, besides, going through the record.

Learned counsel for the petitioner has argued that the petitioner

is innocent and has been falsely involved in this case. One Joginder alias Gindi co-accused of the petitioner has been granted bail by Additional Sessions Judge, Faridabad vide order dated 24.01.2014, whereas his another co-accused Sushil Kumar Gupta has been granted bail by this Court vide order dated 18.03.2016. The case of the petitioner is at par with them and he be released on bail.

This request has been vehemently opposed by the State counsel contending that the petitioner is a very clever man, he has been getting interim bail from the Courts below and even from this Court making false promise of giving payment to the aggrieved person without actually meaning to pay the money, in that way he has been playing fraud with the Courts even. After registration of the present FIR inasmuch as 40 other persons have come up with their complaints against the present petitioner, there is reasonable apprehension of his absconding and tampering with prosecution evidence, if granted concession of bail, therefore, such request should be refused.

After hearing rival contentions I find that no ground for grant of bail to the petitioner is made out. The petitioner by selling land of complainant to innocent buyers cheated them of their hard earned money. He along with his co-accused has been indulging in a very heinous crime. In the Court below the petitioner had been playing drama by offering to pay ₹1.5 crores to the complainant, his statement was recorded on 17.10.2015, he had sought bail for 15 days, which was granted to him asking him to make payment on 31.10.2015, failing which he was directed to surrender before Area Magistrate. Instead of making payment, another application was moved by him for extension of time to arrange money, which was

extended upto 01.12.2015. On 01.12.2015 he came up with a plea that the land may be demarcated and only after demarcation he would make payment. He was given time upto 07.12.2015 to make payment, but he did not make any payment, rather he sought two days time, which was granted to him. He had brought two undated cheques, one in the name of Gyarsi Lal – complainant and another in the name of Gyasi, but then did not hand over the cheque for the reason that some overwriting had taken place. In this Court also he indulged in the same tactics enjoying bail for considerable time representing that he wanted to make payment of ₹1.5 crores, but he did not do so and came up with one excuse or the other. Such type of a person who is out to play fraud with the Court cannot be relied upon to appear in the Court regularly if granted bail and his not indulging in tampering and interfering with the prosecution evidence. Thus no ground is made out to grant concession of bail to the petitioner, his application stands dismissed. However, the trial Court is directed to expedite the trial by giving short adjournments and to conclude it preferably within a period of six months from the date of receipt of order.

27.09.2017*Gaurav Sorot*

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**