

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 30.05.2018
CRM-M-17570-2018

Om Parkash

.. Petitioner

Vs.

State of Haryana

.. Respondent

CRM-M-11474-2018

Surender Kumar

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner in CRM-M-17570-2018.

Mr. Jagmohan Ghumman, Advocate
for the petitioner in CRM-M-11474-2018

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Amitabh Tiwari, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in these petitions is for grant of regular bail to petitioners-Om Parkash and Surender Kumar.

Counsel for petitioner-Om Parkash submits that as per allegations in the FIR, got registered by complainant-Jai Singh, the petitioners have cheated him by committing forgery by posing a lady/co-accused Pragti as “Anju Yadav” and on such representation, complainant has entered into an agreement to purchase a plot from said co-accused Pragti and has paid an amount of Rs.45 lakhs.

It is further alleged in the FIR that later on, when the complainant verified the sale deed in favour of said Anju from the revenue record, he came to know that the same is a forged document and thus, the petitioners, alongwith said co-accused Pragti and another co-accused Devender, have cheated him. Counsel for the petitioner(s) further submits that co-accused Devender has been granted concession of anticipatory bail vide order dated 09.02.2018 passed in CRM-M-5643-2018 as he had no role in the agreement to sell and his name surfaced in the disclosure statements of the petitioners. Counsel for the petitioner(s) further submits that other co-accused, namely, Pragti has already been granted concession of bail by the Court of Additional Sessions Judge, Gurugram, vide order dated 15.02.2018. He further submits that petitioners were arrested on 18.11.2017 and 25.11.2017 by the investigation against them is complete and challan has already been presented. It is further submitted that the offences are triable by the Court of Magistrate and evidence is yet to start, therefore, it will take long time in conclusion of the trial.

In reply, the learned State counsel, on instructions from ASI Jaswant Singh, and assisted by learned counsel for the complainant, has however, opposed the prayer for bail on the ground that, in fact, petitioner Om Parkash was an attesting witness to an agreement to sell and to the mutation sanctioned on the basis of the forged sale deed. Co-accused Pragti was an employee of petitioner-Surender Kumar and all the accused persons, in conspiracy with each other, by posing Pragti as Anju Yadav have induced the complainant to part with huge amount by showing fake sale deed and executing the agreement to sell.

In reply, counsel for the petitioners have submitted that as per the allegations in the FIR, the amount was either paid in the account of above said Anju Yadav or was paid in cash to her and the allegations against the petitioners are that they had accompanied her in fixing the deal of the sale of plot.

Without commenting anything on the merits of the case, considering the facts that the co-accused of the petitioner(s) have already been granted concession of regular/anticipatory bail; petitioners are in judicial lock-up for the last about six months; the challan has already been presented and the offences being trialable by the Court of Magistrate and it will take long time in conclusion of the trial and also in view of the fact that the petitioners are not involved in any other case of similar nature, the petitioners are directed to be released on bail, subject to their furnishing bail bonds with heavy sureties to the satisfaction of the trial Court/Illaqa Magistrate.

Both the petitions stand allowed.

[ARVIND SINGH SANGWAN]
JUDGE

30.05.2018

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No