

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

Criminal Misc. No. M-12310 of 2020(O&M)
Date of Decision: 10.06.2020

Subhash Chand Arora

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G. Haryana

ANIL KSHETARPAL, J.

Present petition has been filed by the petitioner, namely, Subhash Chand Arora, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 441, dated 31.12.2019, registered under Sections 419/420/467/468/471/120-B IPC, at Police Station Sushant Lok, District Gurugram, Haryana.

The petitioner is 72 years old man. He is in custody since 10.04.2020. In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Gurugram in the following manner:-

“3. Brief facts of the prosecution case are that complainant Rajeev Kaul gave a complaint for taking action against seller and a buyer of the property bearing number C-909, Sushant Lok, Gurugram. It is stated that he has purchased this property through a sale deed in February 1992 from M/s Ansals Properties. He has been

residing in Qatar since last 11 years. On 7th October 2019 he has taken the physical possession letter and NOC from the representative of M/s Ansals viz Mr. R.K.Singh. He also gave him the photocopies of all required documents like sale deed, allotment letter, payment receipts, OCI etc. Mr. Singh asked him to sent the copy of these documents through whats-app. The purpose of taking NOC was to start construction of his house on the plot. However, about 2-3 days back he came to know from some real estate agent that his plot has been sold out by someone on his behalf and the papers of sale deed and some bank check list is being circulated in the market for re-sale. He does not have any knowledge about the same. The details of fraud sellers and buyers provided by the agents are being attached with the complaint. Prayer has been made to take action against the culprits.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Court.

Learned counsel for the petitioner has submitted that the petitioner has only identified the vendor as a marginal witness on the basis of Aadhar Card produced before him. Learned counsel for the petitioner has also referred to the orders passed in CRM-M-12383 of 2020 and CRM-M-12385 of 2020 granting bail to the petitioner in connected cases.

On the other hand, learned counsel for the State has submitted that the petitioner is involved in as many as 4 such cases.

The petitioner is in judicial custody since 10.04.2020. The case is triable by Magistrate.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in judicial custody since 10.04.2020 and

conclusion of the trial is likely to take some time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

June 10, 2020
“nt”

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