

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

CRM-M-38826-2019

Date of decision:-12.3.2020

Manjeet

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.APS Deol, Senior Advocate with
Mr.A.S. Shergill, Advocate
for the petitioner.

Mr.Kuldeep Sharma, DAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Manjeet – an accused in FIR No.96 dated 24.1.2016 for the offences under Section 420 IPC (Offences under Sections 467, 468, 201 IPC added later on), registered at Police Station Sadar, Gurugram, District Gurugram.

Briefly stated, facts of the case as per prosecution story are that the criminal machinery in this case was set into motion by Justice Retd. S.N. Aggarwal, former Judge of Delhi, M.P. High Courts, resident of Delhi, who in the written complaint submitted to the SHO, Sadar Police Station, Sohna Road, Gurugram against Sanjay Gupta claiming himself to

be the owner of Mojo's Restaurant, DT City Centre, MG Road, Gurugram, contended that he is a registered owner of three storey built up property bearing No.C-58.Vipul World, Sohna Road, Sector 48, Gurugram; he had given that property on lease to M/s Comviva Technologies Ltd. for residential use by its officers since 1.1-.2014; the rent is being deposited in bank account of the complainant by the tenant; on 24.11.2015 around 12:50 p.m., the complainant received a telephonic call from Mr.Sandeep Sehgal, Service Provider of his tenant, who informed him that on that very day i.e. on 24.11.2015, a person disclosing his identity as Sanjay Gupta, owner of Mojo's Restaurant at DT City Centre, MG Road, Gurugram had visited his property and challenged the title of the complainant claiming that there was a lease of above mentioned property executed in his favour by Surjit Singh Yadav on 10.10.2014 and the person calling had questioned the possession of tenant under the complainant. The complainant expressed an apprehension that some criminals had forged documents with regard to ownership of his property with an intention to cheat and take advantage of his advance age of more than 65 years.

On receipt of such complaint, the matter was inquired into and formal FIR was registered. The investigation in the matter revealed that accused Sanjay Gupta in his statement under Section 161 Cr.P.C. has stated that present petitioner Manjeet accused had cheated him by preparing a forged lease agreement between one Nagabhushana Samasundaram and Sahil Gupta (who is the son of Sanjay Gupta) with regard to property bearing No.C-58, Vipul world, Sector-48, Gurugram. Accused Manjeet had received Rs.48 lakhs from Sanjay Gupta for the said

lease on the pretext that he would make Sahil Gupta as a partner in his business. He had issued cheques in favour of Sanjay Gupta and had executed receipt in which he admitted the loan of Rs.48 lakhs from Sanjay Gupta. According to Sanjay Gupta after completion of period of loan, he had asked Manjeet to return that amount but he put off the matter on one pretext or the other. Later on he had deposited the cheques issued by the petitioner in his bank, which were returned on the ground of insufficient funds in account of petitioner accused. In that way, Manjeet had cheated several persons. He had been declared a proclaimed offender on 22.11.2016 and challan against him was prepared as such on 23.2.2017. He was arrested in this case on 4.1.2019. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Gurugram vide order dated 19.8.2019, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

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

The petitioner has been found to be involved in several other criminal cases i.e. ***FIR No.14 dated 6.1.2019*** for the offence under Section 174-A IPC registered with Police Station Sadar, Gurugram. The challan has since been filed in that case. The other two cases registered against the petitioner are ***FIR No.59 dated 17.2.2016*** for the offences under Sections 420/467/471/120-B IPC registered with Police Station Model Town, Rewari and ***FIR No.68 dated 6.2.2019*** for the offence under

Section 174-A IPC registered with Police Station Model Town, Rewari.

The allegations against the petitioner are very grave and serious and he is found to be involved in several other criminal cases. The challan against the petitioner has since been filed and the trial is going on and as informed by the trial Magistrate, the trial is likely to be concluded within a period of six months. His guilt shall be determined during the trial. Along with the gravity and seriousness of allegations against the petitioner, there is apprehension of his trying to tamper with the prosecution evidence and even to abscond, if granted bail.

Therefore, finding no merit in the petition, the same stands dismissed.

12.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No