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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6189 of 2021 (O&M)

Date of decision: 09.07.2021

Pankaj Rohilla

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.310 dated 18.08.2019 registered under Sections 406, 420, 511, 120-B of the Indian Penal Code, 1860 (in short 'IPC') (Sections 419, 467, 468, 471 IPC added later) at Police Station Sushant Lok, District Gurugram.

Counsel for the petitioner has argued that the FIR was registered at the instance of one Anubha Sandhu, who is a senior citizen and an NRI living in Australia, with the allegations that she is owner of Plot No.984 in C Block, Sushant Lok, Gurugram and when she came to India, she found that somebody with fake identity and on the basis of some fake documents is trying to sell her plot. The proposed buyer of the property was Lotus Developers and one Mahesh Prajapati and Rajender @ Raj Kumar are the sellers, whose mobile numbers are 9654430884 and 9999624889, respectively. Thereafter, the complainant lodged a complaint with the SHO and the complainant gave another

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complaint when she came to know that one Rohit Bakshi, whose mobile No.9810636111 was trying to obtain a loan on her plot for an amount of Rs.2.5 crores on the basis of false/fake papers from Tata Finance. The agent for the seller at that time were also Mahesh Prajapati, Jaipal and the petitioner – Pankaj Rohilla. Thereafter, when the police investigated the complaint, the Investigating Officer recovered the original stamp papers, agreement to sell, etc. from Lotus Property Developers as well as the fake Aadhar Cards, which were prepared by posing a lady as impersonator in place of the complainant. The Investigating Officer also recovered the loan papers from Tata Finance and with the aforesaid allegations, the FIR was registered.

Counsel for the petitioner has argued that the primary allegations against the petitioner are that when the co-accused Rajender @ Raj Kumar was arrested, he made a disclosure statement nominating the petitioner in the case stating that he has taken out the documents of the plot of the complainant, after both of them hatched a conspiracy to sell the plot. It is further submitted that except the same, there is no other evidence against the petitioner.

Counsel for the petitioner has further argued that in reply to a Court query dated 07.06.2021, whether all the fake documents were recovered from one Rajender @ Raj Kumar, he has relied upon the recovery memo dated 02.08.2020 to submit that one Vicky Bhatia had produced photocopies of the agreement to sell, sale deed, photocopy of the forged Aadhar Card and air tickets, etc. and photocopies of these documents were taken in possession by the police.

Counsel for the petitioner has also argued that in FIR

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Nos.12 and 13, after his anticipatory bail was dismissed by this Court in CRM-M No.23132 of 2020, his arrest has been stayed by the Hon'ble Supreme Court vide order dated 10.12.2020.

Counsel for the State, on the basis of the affidavit of the Assistant Commissioner of Police, Gurugram dated 09.04.2021 has opposed the prayer for bail on the ground that during the investigation it has been found that it is the petitioner, who has taken out the documents from the Ansal Property and the recovery from Vicky Bhatia was only photocopies of the documents and the original were not produced by him. For a reference, Para 5 to 8 of the affidavit, reads as under:-

“5. That the petitioner Pankaj Rohilla was arrested on 12.01.2021. His disclosure statement was recorded on 13.01.2021. His police remand was obtained till 14.01.2021, so as to apprehend one Jaipal who obtained the documents of the allottee from the office of Ansal Properties. However, the petitioner did not assist the police property to get the said Jaipal arrested. Thereafter, he was produced in the court and was sent to judicial custody on 14.01.2021.

6. That it was found during investigation that the petitioner obtained the documents of allottee Anubha Sandhu regarding plot no.C-984, Sushant Lok, Block-C, Gurugram from co-accused Jaipal and thereafter he along with Rajender created a fake Anubha Sandhu and in collusion with Mahesh Prajapati also got prepared the fake Adhaar Card of Anubha Sandhu. Thereafter they entered into agreement to sell with Ruchika Bansal for sale consideration of Rs.4 crores 5 lakhs. Her husband Manish Bansal gave two cheques of Rs.15 lakhs each, however on getting suspicious, he got stopped the payment of those

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cheques.

7. *That the challan against the petitioner has been submitted in the court on 22.03.2021. Now, the trial is pending in the court of Ld. CJM, Gurgaon and is fixed for 19.04.2021 for appearance. The charge has not been framed.*

8. *That the petitioner has been found to be involved in the following other FIRs, besides the present one:-*

i. *FIR No.12 dated 23.01.2020 u/s 419/420/467/468/471/120-B IPC P.S. Sushant Lok, Gurugram. The case is under investigation.*

ii. *FIR No.13 dated 23.01.2020 u/s 419/420/467/468/471/120-B IPC P.S. Sushant Lok, Gurugram. The case is under investigation.*

iii. *FIR No.286 dated 21.12.2020 u/s 419/420/467/468/471/120-B IPC P.S. Sushant Lok, Gurugram. The case is under investigation.”*

Counsel for the State has further submitted that the petitioner was one of the conspirator and if the complainant was not vigilant, he would have sold the property to one Ruchika Bansal for Rs.4 crores 5 lacs by taking advantage of her absence as is a senior citizen and an NRI. It is also submitted that the petitioner is involved in 03 other FIRs as referred in para 8 of the affidavit.

After hearing the counsel for the parties and going through the documents, without commenting anything on merits of the case and considering the fact that the primary allegations against the petitioner in the FIR are that he being a conspirator to sell the property of the complainant, has prepared forged documents and on the basis of the same, has even entered into a forged agreement to sell by posing a fake

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lady as complainant Anubha Sandhu.

The status report/affidavit reveals that the petitioner has taken out the papers of Plot No.984, C-Block, Sushant Lok, Gurugram from Ansal Property as a part of criminal conspiracy hatched by the petitioner and in conspiracy with the co-accused Rajender @ Raj Kumar, some forged documents like Aadhar Cards, agreement to sell etc. were prepared and agreement was entered with a lady for sale of property for Rs.4 crores 5 lacs.

In view of the above, considering the antecedents of the petitioner, who is involved in similar other FIRs, though, his arrest has been stayed by the Hon'ble Supreme Court in 02 FIRs and looking into the gravity of the offence, I do not find any ground to grant the concession of regular bail to the petitioner, at this stage.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

09.07.2021
yakub

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