

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

CRM-M-25284-2021 (O&M)

Date of decision: 26.08.2021

Rishi Kant

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Surinder Singh, Advocate for the petitioner.

Ms. Shubhra Singh, Addl. A.G., Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Rishi Kant, an accused in FIR No.71 dated 25.02.2019, for offences under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered with Police Station Sector-5, Panchkula.

Briefly stated the facts of the case as per prosecution story are that, plot No.813, Sector-8, Panchkula was allotted to one Raj Kamal Banta, Saraf Building, Shimla-1 on 08.07.1974; an application was received in the office on 16.10.2007, where address of allottee was mentioned as H.No.1015, Sector 7, Panchkula; an application for issuance of duplicate copies of the documents was also received; on the basis of duplicate papers, Raj Kamal Banta had applied for permission to transfer the plot in the name of Sh. Sunil Garg as well as Ritu Garg wife

of Sunil Garg, residents of H.No.406, Sector 30-A, Chandigarh; the allottee and proposed transferees had attended the office of the department also; permission to transfer the plot was given on 09.01.2019; subsequently, it transpired that the original allottee had not submitted any application for transfer of the plot and the present petitioner-accused Rishi Kant had impersonated as allottee, moving the application and getting the transfer effected; on matter being reported by Estate Officer, HSVP, Panchkula to the police, formal FIR was recorded; it may be mentioned here that the transfer in question has since been cancelled; after registration of FIR, the matter was investigated and it transpired that the main culprit in this case was Rishi Kant, who had entered into agreement of sale with Sunil Garg and Ritu Garg for consideration of Rs.20500000/-, receiving Rs.8500000/- as earnest money from them; the petitioner was arrested in this case; on completion of investigation, the challan has since been filed against him in the Court and he is facing trial there.

Petitioner-accused Rishi Kant had filed a petition for regular bail before the Court of Sessions at Panchkula but was unsuccessful. Therefore, he had come to this Court, seeking similar relief, subsequently, the petitioner had withdrawn that petition bearing No.CRM-M-20209-2020 and it was dismissed as such. Now, he has come to this Court again praying for grant of regular bail, which request is being opposed by the State counsel.

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

No doubt the allegations against the petitioner are very grave and serious of committing offence of impersonation and indulging in forgery and fabrication of documents, so as to sell plot belonging to original allottee Raj Kamal Banta to some innocent buyers, in the process getting huge financial benefit but fortunately petitioner could not succeed in his designs. The fraud was detected and the transfer of ownership allegedly got effected by him by way of impersonation has statedly been cancelled. The petitioner is not shown to have any past criminal record as a perusal of the custody certificate placed on record by the State counsel goes to show that he is behind bars for about 02 years, 05 months and 17 days. The trial against him is not likely to be concluded in near future, keeping in view the extra ordinary situation which has arisen on account of outbreak of COVID-19, as a result hampering the functioning of the Courts. The guilt of the petitioner shall be determined during the trial. His further detention is not going to serve any useful purpose. As such, I find it proper and appropriate to grant the benefit of regular bail to the petitioner. Therefore, the petition is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Panchkula, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

The Court accepting the bonds is to ensure that the surety furnished by the petitioner is local one, having documentary proof of the sufficient immovable property within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

26.08.2021

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(H.S. MADAAN)
JUDGE

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