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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-38043-2021 in/and
CRM-M-24541-2021

Date of decision-11.11.2021

Sakeel Ahmed @ Sameer

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal R.Lamba, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

CRM-38043-2021

Application is allowed as prayed for.

Annexure P-6 is taken on record.

Main case

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.142 dated 09.07.2020 under Sections 419, 420, 467, 468, 471 and 120-B Indian Penal Code, 1860 registered at Police Station Bhondsi, District Gurugram, who is in custody since his arrest on 05.02.2021.

The FIR was registered on the basis of complaint by Sudha Yadav and the allegations as noticed by the learned Additional Sessions Judge, Gurugram in the order dated 28.05.2021 are as under:-

“In brief, the prosecution case is that on 08.07.2020,

a complaint was received in the police station, wherein it was stated that complainant Smt. Sudha Yadav was resident of Rajokri, Delhi and Than Singh Raghav @ Pappu and Sameer son of Rahul came to her and stated that they had a land (Farm House) measuring 16 Kanal (2 acres) in village Ghamroj for selling and had given the photo copy of mutation no. 5215,5514,5437 and Aks shijra to her and stated that owner of the land was Ayasha Chowdhary and Sameer was her driver. They said to her that his owner wanted to sell the land. Complainant and her husband Naresh Yadav saw the papers of land. Thereafter Than Singh and Sameer asked them to see the land. On which, she called her brother Naveen and they all went to village Ghamroj to see the site. Than Singh opened the gate of the land and Sameer asked them for meeting with madam. When they reached for meeting, they found that Lalit Yadav came on behalf of madam as she was stated to be seriously ill. On 2.11.2019 they met Ayasha Chowdhary Gandhi and Sameer and they saw the IDs of Ayasha Chowdhary and finalized the deal for Rs. 1,51,00,000/-. They were asked to pay Rs. One crore through cheque and Rs. 51 lakhs in cash and agreed to the date for execution of sale deed as 06.01.2020 and they paid Rs. one crore through four cheques and Rs. 51 lakhs in cash. Sale deed was executed on 06.01.2020 and she gave the copy of sale deed to her brother Naveen and asked him to go to Patwari for sanctioning the mutation and on 10.02.2020 Patwari stated that mutation was sanctioned. On 14.02.2020 they received a call from the Patwari that the seller to them was imposter and Naveen told them that seller was a fake woman and he asked from Than Singh whether the seller was fake, on which he had stated that he would call the seller on the pretext for paimaish of land but they did not come. Thereafter they stopped the payment of Rs. 35 lakhs through bank. Legal action against culprits was requested. On this case FIR under sections 419,420,467,468,471, 120B IPC was registered.”

Learned counsel for the petitioner has argued that as per allegations in the FIR made by complainant-Sudha Yadav, the accused persons, sold her property belonging to Ayasha Chowdhary Gandhi,

through sale deed dated 06.01.2020 by way of impersonation as co-accused Seema Madaan had impersonated as the owner of the said property and executed the sale deed. According to him, an account was also opened in the Bank by other co-accused, namely, Sarika and Sonia to receive the sale consideration. Learned counsel further submitted that the petitioner is stated to be the attesting witness of the said instrument of sale. He has argued that since the petitioner is not the beneficiary of this transaction and the other attesting witness, namely, Braham Prakash (Namberdar of the village) has not been arraigned as an accused, therefore, further custody of the petitioner may not be necessary as investigation of the case is complete. He prays for bail.

On the other hand, learned State counsel assisted by SI Ajit Kaur has opposed the prayer on the ground that the petitioner is actually Sakeel Ahmed @ Sameer son of Aas Mohammad, who signed the sale deed dated 06.01.2020 as Sameer son of Rahul, however, it is not disputed that the investigation of the case is complete and trial is yet to commence. He on instructions further submits that the case is now fixed for 22.11.2021 before the trial Court.

Considering the above background, custody of the petitioner and the fact that the offences are triable by Magistrate, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 05.02.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

	(MANOJ BAJAJ)	
	JUDGE	
11.11.2021		
vanita		
Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No