

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

CRM-M-29409 of 2021

DATE OF DECISION :- September 17, 2021

Manjeet

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Keshav Partap Singh, Advocate for the petitioner.

Ms. Shubhra Singh, Additional Advocate General, Haryana.

The case has been taken up through Video Conferencing.

This is the third petition for regular bail filed by petitioner Manjeet, an accused in FIR No.96 dated 24.1.2016 for the offences under Sections 420, 34 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 to 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 16.7.2021, as such, he has approached this Court with same request.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

On being asked, learned State counsel has informed that out of 19 PWs cited by the prosecution 8 PWs have been examined so far and the next date of hearing fixed is 21.9.2021. As per custody certificate filed by the State counsel today, the petitioner has undergone 2 years 3 months and 15 days of imprisonment till date. Since the proceedings in the Courts have been effected on account of outbreak of Covid-19 pandemic and as informed by the State counsel out of 19 PWs cited by the prosecution only 8 PWs have been examined so far, in that way the conclusion of trial is likely to take some time. A perusal of the custody certificate goes to show that the petitioner is involved in several criminal cases but most of them are complaints under Section 138 of the Negotiable Instruments Act in which the petitioner is shown to have discharged or acquitted. He is reflected to be involved in three cases under various provisions of Indian Penal Code. In all the three cases he is said to have already undergone the sentence imposed upon him. Under the circumstances, I find that further detention of the petitioner shall not serve any useful purpose and he should be granted benefit of regular bail although by imposing strict terms and conditions.

Accordingly, the petition is accepted and it is hereby allowed.

Petitioner Manjeet is ordered to be released on bail on his furnishing bail bond with two sureties to the satisfaction of the learned trial Court/CJM/Duty

Magistrate, Gurugram 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 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.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

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.

The Court accepting the bonds is to ensure that the sureties furnished by the petitioner are local one, having documentary proofs 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 persons have stood as sureties for the petitioner. A copy of that documents be retained on the record of the Court. Photographs of the sureties, accused and attesting witnesses be also obtained and placed on record.

(H.S. MADAN)
JUDGE

September 17, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No