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208-4 cases

Virender Singh

... Petitioner

State of Haryana

... Respondent

CRM-M-36211-2020
Date of decision:05.04.2021

Parvesh @ Pardeep

... Petitioner

State of Haryana

... Respondent

CRM-M-30705-2020
Date of decision:05.04.2021

... Petitioner

State of Haryana

... Respondent

CRM-M-925-2021
Date of decision:05.04.2021

Satyanarain

... Petitioner

State of Haryana

... Respondent

SHEETAL
2021.04.07 17:49
I attest to the accuracy and
integrity of this document
Chandigarh

Present: Mr. K.S. Khehar, Advocate for the petitioner
in CRM-M-41007-2020.

Mr. H.S. Dhindsa, Advocate for the petitioner
in CRM-M-36211-2020.

Mr. Aditya Sanghi, Advocate for the petitioner
in CRM-M-30705-2020.

Mr. Lokesh Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner
in CRM-M-925-2021.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Himanshu Rao, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

This order will dispose of the above four petitions i.e. CRM-M-41007-2020; CRM-M-36211-2020; CRM-M-30705-2020 and CRM-M-925-2021.

Petitioners have filed these petitions under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.242, dated 16.08.2019 registered for the offences under Sections 120-B, 342, 365, 406 and 420 IPC, 1860, registered at Police Station Kasola, Rewari, District Rewari, Haryana.

FIR has been registered on the complaint of Basanti on the allegation that her son Rakesh, who has a low Intelligence Quotient, has been abducted by the accused and they, in connivance with each other fraudulently got executed a sale deed dated 17.07.2019 from him.

Counsel for the petitioners have urged that FIR has been registered on false accusations in an attempt of wriggle out of the sale

deed executed by Rakesh in favour of Virender Singh for sale of 4 kanals of land. Reference has been made by the counsel to the various documents on the paper-book to contend that in pursuance to the sale deed, the sale consideration of Rs.15 lac was duly paid and has been credited to the bank account of Rakesh, who is alleged to have executed an affidavit and given a statement verifying the receipt of sale consideration. It has been asserted that the allegation of kidnapping Rakesh is false as no complaint in this regard was lodged by his mother for six days from the date of alleged abduction. It has been argued that Rakesh is a person of sound mind and has filed a civil suit in his individual capacity to challenge the sale deed in question. Additionally, it has been submitted that except for Virender Singh, the other three co-accused have allegedly neither played any role in the execution of the sale deed, nor are beneficiaries thereunder. Counsel thereunder submit that investigation is complete, challan has been presented and the petitioners, who were in custody, deserve to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Om Parkash, who is assisted by counsel for the complainant, have opposed the petitions. A reference has been made to the status report filed by Deputy Superintendent of Police, Bawal, District Rewari in CRM-M-41007-2020, to submit that the co-accused have played an active role in the opening of the Bank account by Rakesh, a few days prior to the execution of the sale deed. It has been submitted that after the sale consideration of Rs.15 lac was credited in the account of Rakesh, co-accused Tule Ram transferred Rs.4,50,000/- to account of co-

accused Parvesh and an amount of Rs.10,20,000/- to the bank accounts of his father Abhay Ram. In other words, counsel for the respondent submits that even though the amount stood credited in the bank account of Rakesh, but the same was misappropriated by the co-accused, who are hand-in-glove with each other. As per instructions of the State counsel, accused Satyanarain and Basant were arrested on 27.08.2020 and accused Parvesh and Virender were apprehended on 01.09.2020 and 02.10.2020 respectively. Upon further instructions, State counsel submits that challan has been presented on 27.10.2020 and charges are yet to be framed.

Having heard learned counsel for the parties, this Court is of the view that prima facie consideration of the material on record would make the petitioners entitled for regular bail. The material collected by the prosecution would remain debatable.

Keeping in view, the period of incarceration of the petitioners, nature of allegations, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioners behind bars any further.

Without commenting anything on the merits of the case, the petitions are allowed and the petitioners, namely, Virender Singh, Parvesh @ Pardeep, Basant and Satyanarain, are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

Photocopy of this order be placed in other connected cases.

05.04.2021
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No