

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37981-2019 (O&M)
Date of Decision:- 1.3.2021

Rajpal @ Raju

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Anmol Rattan Singh Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Harish.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.581, dated 11.6.2017, Police Station Sadar Hisar, District Hisar, under Sections 420, 406, 467, 468, 471, 506, 417, 418, 413, 425, 426, 463, 464 IPC.
2. The FIR was lodged at the instance of Anurudh, wherein it is alleged that Bhoop Singh represented that he was having a plot in Balaji Market Kemari, measuring 4 kanals and 2 marlas and wanted to sell the same as he was in need of money. Said Bhoop Singh showed the plot to the complainant and also showed the society cards and a deal was struck amongst the complainant and Bhoop singh for an amount

of ₹45 lakhs which was paid in cash and thereafter Bhoop Singh executed an affidavit pertaining to transfer of plot in his name and the membership number of the same was told as 188 and a transfer card was also prepared by Bhoop Singh in connivance with petitioner-Rajpal, who was President of the society. It is further alleged that the petitioner being President of the society subsequently got a sale deed in respect of the plot in question registered in favour of accused Balwant and Subash although the accused had already accepted an amount of ₹45 lakhs from the complainant. It is further the case of prosecution that during the course of investigation it had surfaced that the transfer card prepared in favour of the complainant initially was a forged document. It is further the case of prosecution that during the course of investigation it transpired that Bhoop Singh had transferred the entire amount of ₹45 lakhs to the complainant.

3. Learned counsel counsel for the petitioner has submitted that a perusal of the FIR would show that the entire allegations pertaining to holding out a representation regarding sale of a plot and as regards the acceptance of money from the complainant was made by co-accused Bhoop Singh and that the petitioner is nowhere alleged to have ever represented that he was owner of the plot in question or had accepted any amount from the complainant.
4. Opposing the petition, learned State counsel has submitted that the petitioner was President of the society and was hands in gloves with the other accused including Bhoop Singh and it was with his active connivance that a forged transfer certificate was issued to the

complainant after accepting huge amount of ₹45 lakhs. It has further been submitted that during the course of investigation it had surfaced that it is the petitioner who had received the entire amount of ₹45 lakhs. Learned State counsel has informed that petitioner stands involved in 3 other identical cases of cheating innocent persons. It has however, been informed that the petitioner as on date has been behind bars since the last 1 year and 9 months. It has been informed that as on date only 1 PW out of the cited 13 PWs had been examined.

5. I have considered rival submissions addressed before this Court.
6. No doubt allegations have been levelled against the petitioner pertaining to cheating of huge amount, but at the same time this Court also finds that the petitioner as on date has been behind bars for a substantial period of 1 year and 9 months and conclusion of trial is likely to consume time as only one out of cited 13 PWs had been examined. In these circumstances further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 1, 2021

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No