

222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51457-2021

Date of Decision: 15th December, 2021

Arvind Singla

... Petitioner

Versus

U.T. Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. R.S. Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, U.T. Chandigarh with
Mr. Anupam Bansal, APP, U.T. Chandigarh.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 63, dated 2nd March, 2021, under Sections 452, 331, 344, 365, 386, 419, 420, 465, 467, 468, 471, 473, 474, 477 and 120-B IPC, 1860 (sections 166, 201, 218, 328, 452 IPC and 13 (1) (2), 7 of the Prevention of Corruption Act, 1988 added in challan/report under Section 173 Cr.P.C.), registered at Police Station Sector 39, Chandigarh.

2. Facts as per prosecution are that the dispute is with regard to House No. 340, Sector 37-A, Chandigarh. The house was initially owned by Santosh Mehta, wife of Ved Parkash Mehta and mother of Rahul Mehta. She died in the year 1986, her sister Sushila Kumari residing in London applied for transfer of house in her name on the basis of 'Will'. The matter relating to probate of 'Will' is pending in this Court and alienation of the house in question is stayed.

3. As per contents of the FIR, Rahul Mehta is mentally unsound, his father died in the year 2017, Rahul Mehta was the only legal heir.

Seeing the movement of Sanjeev Mahajan, Surjit Bouncer (now dead) and Shekhar in the house, on enquiry by Pandit Sita Ram Rattan, former S.S.P. (who used to look after Ved Parkash Mehta), he was informed that house was taken on rent from Rahul Mehta. He had the knowledge that Rahul Mehta was of unsound mind and incapable of executing a rent deed. The persons misbehaved with the former S.S.P., a written complaint alongwith medical certificate of Rahul Mehta was filed. Both the parties were called to the Police Station, Sector 39, Chandigarh on 14th January, 2017. The allegations are that S.H.O. of the police Station-Rajdeep Singh detached the medical certificate and did not take any action, only a warning was given to the parties.

4. On 15th January, 2017, a rent agreement was executed between Rahul Mehta and Surjit Bouncer and also agreement to sell the house was entered between Rahul Mehta and Vicky Arora at the instance of Sanjeev Mahajan, for consideration of Rs. 80 lakhs.

5. Surjit Bouncer filed a civil suit for permanent injunction claiming himself to be a tenant, a consent decree was passed in the suit.

6. On 6th April, 2017, another agreement to sell for consideration of rupees one crore was executed between Rahul Mehta and Khalender Singh Kadiyan who according to prosecution was face presented by Satpal Dagar.

7. On 7th April, 2017, Rahul Mehta opened a bank account in Catholic Syrian Bank Limited, Sector 34, Chandigarh where Sanjeev Mahajan was already having his account. Sanjeev Mahajan took in his possession blank cheques signed by Rahul Mehta.

8. On 19th April, 2017, apprehending threat to his life, Rahul

Gupta, a chemist to whom he used to go regularly for medication. On 23rd April, 2017, missing report of Rahul Mehta was filed by Surjit Bouncer.

9. During investigation of the F.I.R., Amit Gupta was picked up by Rajdeep Singh, S.H.O., Police Station, Sector 39, Chandigarh on 26th April, 2017 to know the whereabouts of Rahul Mehta. Pending the proceedings, four accused were able to trace Rahul Mehta from Delhi and brought him back to Chandigarh.

10. On 27th April, 2017, a registered General Power of Attorney for brevity 'G.P.A.'] was executed by Rahul Mehta in favour of Khalender Singh Kadiyan and one Arvind Singla in ration of 2/3rd and 1/3rd respectively and to deal with the affairs of Estate Office. Part of consideration in pursuance to GPA and agreement to sell was deposited in account of Rahul Mehta by both the GPA holders. As per statement recorded of Daljeet @ Rubal under Section 164 Cr.P.C. the amount deposited was withdrawn by him presenting himself as Jagdeep Singh and using the blank cheques signed by Rahul Mehta, which were in possession of Sanjeev Mahajan. After withdrawal the money was handed over to Sanjeev Mahajan. Considering that Rahul Mehta was no longer required, Surjit Bouncer took him to a stud farm at Bhuj, Gujarat owned by his friend Abdul Bajaniya @ Aneesh Bahi. Thereafter, after some time, owner of stud farm sent Rahul Mehta to an *Ashram* in Bhuj. He was further shifted to another *Ashram* in Maharashtra. Both the GPA holders in connivance with Satpal Dagar applied for transfer of ownership of house in favour of Rahul Mehta on the basis of forged documents. During investigation, it revealed that as per the opinion of handwriting expert, Khalender Singh Kadiyan signed as Rahul Mehta.

notices to her legal heirs of Sushila Kumari were issued by the Estate Office. Response to the notices was managed by the accused by using forged documents. Ultimately the house was transferred in the name of Rahul Mehta.

12. After transfer of ownership of house, GPA holders entered into agreement to sell with Saurabh Gupta through his brother Manish Gupta. The aspiring purchaser applied for the loan with the bank. In the meantime, Khalender Singh Kadiyan managed to convert his individual account into joint account with Rahul Mehta. Further forged documents were used to meet the 'due diligence' requirement of the bank for sanctioning of the loan. Gurpreet Singh impersonated as Rahul Mehta before the bank authorities. As per report of CFSL, the application for conversion of individual account to joint account was in handwriting of Satpal Dagar.

13. On 1st March, 2019, GPA in favour of Khalender Singh Kadiyan and Arvind Singla was cancelled and a sale deed executed in favour of Saurabh Gupta and for these proceedings Gurpreet Singh impersonating as Rahul Mehta. On bank's insistence for original title deed and transfer letter in favour of Rahul Mehta, a report regarding missing documents was got registered on behalf of Rahul Mehta. As per opinion of handwriting expert, the complaint for missing documents was written by Khalender Singh Kadiyan. The bank disbursed the loan to purchaser which was deposited in the joint account of Khalender Singh Kadiyan and Rahul Mehta in Corporation Bank. Saurabh Gupta took possession of the property and got it renovated. It revealed during the investigation that as per sale deed, consideration was Rs. 2.90 crores whereas actual consideration was

Singla.

14. In December, 2020, on transfer of Rajdeep Singh, SHO from Police Station, Sector 39, Chandigarh, the former SSP again lodged a missing report of Rahul Mehta and in enquiry held on complaint, the above mentioned facts came to light.

15. Learned Senior counsel appearing for the petitioner submits that the Rahul Mehta executed GPA to the extent of 1/3rd share of House No. 340, Sector 37-A, Chandigarh in favour of the petitioner. The said GPA was cancelled and only thereafter the sale deed was executed in favour of Saurabh Gupta. The submission is that the petitioner is in custody since 11th June, 2021, investigation is complete, no further recovery is to be made. He submits that the petitioner himself surrendered before the Court. He further relies upon the fact that the ultimate purchaser of the property Saurabh Gupta and his brother Manish Gupta were granted bail and one co-accused Satpal Dagar were granted bail by this Court.

16. Learned counsel for U.T., Chandigarh submits GPA was cancelled by impersonator on the day when the sale deed was executed by him in favour of Saurabh Gupta. The argument is that petitioner was aware that who is actual Rahul Mehta. The amount of Rs. 33,00,000/- was deposited in the account of the petitioner by Manish Gupta the ultimate purchaser and it revealed in the investigation that apart from the bank transaction, there was cash transaction of Rs. 95,00,000/-, further an affidavit was filed by the petitioner before the Estate Office to the fact that he had not used the GPA executed by Rahul Mehta, whereas he got a share of sale consideration. It is further argued that he facilitated sanctioning of loan in favour of Saurabh Gupta by writing a letter to HDFC Bank that he

objection if due diligence is carried out, the said letter was factually incorrect. He further submits that though the petitioner himself surrendered, but there is apprehension of his absconding.

17. Learned senior counsel for the petitioner submits that petitioner is ready to surrender his passport.

18. It would not be appropriate to deal in the details the contentions raised on merits of the case. It is not disputed at this stage that the GPA in favour of the petitioner to the extent of 1/3rd share in the house in question was executed by Rahul Mehta. It is not the case of the prosecution that the sale deed was executed by the petitioner along with Khalender Singh Kadiyan on the basis of the GPA. The allegations are that impersonator cancelled the GPA and executed the sale deed in favour of Saurabh Gupta. The Co-accused were granted bail by this Court. Considering the custody period and the fact that conclusion of the trial is likely to take time, petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and surrendering his passport.

19. The petition is allowed.

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

(AVNEESH JHINGAN)
JUDGE

15th December, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No