

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.11014 of 2022
Date of Decision: March 22, 2022

Yogender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Nishant Chauhan, Advocate,
for the petitioner.

Mr.Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

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 IPC, 1860, registered at Police Station, Bhondsi, District Gurugram, who is in custody since his arrest on 10.09.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Gurugram in his order dated 28.02.2022 while dismissing the bail application of the petitioner, are as under:-

“The FIR registered on the complaint of Sudha Yadav that on 08.07.2020 Than Singh Raghav @ Pappu and Sameer son of Rahul came to her and stated that they have a land (Farm House) measuring 16 Kanal (2 acres) in village Ghamroj for sale. They produced photocopy of mutation nos. 5215, 5514, 5437 and Aks Shijra to her stating that owner of the land is

Ayesha Chowdhary and Sameer is her driver. Complainant and her husband Naresh Yadav saw the papers of land and Than Singh and Sameer asked them to see the land. The complainant called her brother Naveen and they all visited village Ghamroj to see the site. Than Singh opened the gate of the land and Sameer asked them for a meeting with 'madam'. When they reached for meeting, one Lalit Yadav came on behalf of madam as she was stated to be ill. On 2.11.2019, they met Ayesha Chowdhary Gandhi and Sameer and saw the IDs of Ayesha Chowdhary and the deal was finalized for Rs.1,51,00,000/-. The date for execution of sale deed was fixed 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 copy of sale deed to applicant Naveen and asked him to visit the Patwari for sanction of mutation and on 10.02.2020 Patwari informed that the mutation was sanctioned. On 14.02.2020, the complainant received a call from the Patwari that their seller was impostor and Naveen also inquired that seller was a fake woman. He asked from Than Singh to confirm the identity of the seller on which he had stated to call the seller on the pretext of demarcation of land but they did not come. Thereafter they stopped the payment of Rs.35 lakhs through bank. With these allegations FIR under sections 419, 420, 467, 468, 471, 120B IPC was registered.”

Learned counsel for the petitioner has argued that as per the allegations made by complainant-Sudha Yadav, the property in question owned by Ayasha Chaudhary Gandhi was sold through sale deed dated 06.01.2020 by way of impersonation by co-accused Seema Madaan as vendor. The another co-accused Sakeel Ahmed @ Sameer signed the said instrument as a witness, who vide order dated 11.11.2021 was released on regular bail by this court. Learned counsel has further argued that the petitioner has been implicated only on the basis of a criminal conspiracy

on the ground that he brought Seema Madaan for impersonation for selling property in question. He has further drawn the attention of the court to the order dated 23.02.2022 (Annexure P-4) and has submitted that the co-accused of the petitioner have already been released on regular bail. According to him, the investigation of the case is complete and the final report has been filed, therefore, the petitioner be also released on bail.

On the other hand, learned State counsel, assisted by SI Lakhpat, does not dispute this fact that the co-accused of the petitioner are already on bail.

After hearing the learned counsel for the parties, considering the above background, custody of petitioner as well as nature of offences which are triable by Magistrate and the fact that the co-accused have already been released on regular bail, this court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/Duty Magistrate, Gurugram.

March 22, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No