

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

222

**CRM-M-18471-2022
Date of decision: 11.07.2022**

SUNIL KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Ms. Kiran Bala Jain, Advocate with
Mr. Rohit Jain, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No. 142 dated 09.07.2020 registered under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Bhondsi, District Gurugram (Annexure P-1).

2. Briefly the case of the prosecution is that a complaint was submitted by Sudha Yadav on 08.07.2020 to the effect that Than Singh Raghav @ Pappu and Sameer son of Rahul came to her and stated that they owned land (Farm House) measuring 16 kanal (2 acres) in village Ghamroj and also produced a photocopy of mutation Nos. 5215, 5514

and 5437 along with the Aks Shijra stating that owner of the said land is one Aisha Chowdhary and that Sameer is her Driver. The complainant and her husband Naresh Yadav saw the papers of the land and Than Singh and Sameer asked them to see the land. The complainant along with her brother Naveen visited the said village to see the site. Than Singh opened the gate of the land and Sameer asked them for a meeting with the owner Aisha Chowdhary-Madam. At the time of meeting, one Lalit Yadav represented on behalf of madam as she was stated to be seriously ill. They met the owner Aisha Chowdhary Gandhi and Sameer on 02.11.2019 along with IDs of Aisha Chowdhary and finalized the deal for a sum of Rs. 1,51,00,000/-. An amount of Rs. One Crore was to be paid by means of a cheque while the remaining amount of Rs. 51 lakh was agreed to be paid in cash and date of execution of the sale deed was 06.01.2020. Eventually, the sale deed was executed upon payment of the entire sale consideration and a copy of the sale deed was given to the brother of the complainant. She asked Naveen (her brother) to visit the Patwari for getting the mutation sanctioned and on 10.02.2020 it was informed that the mutation has been sanctioned. On 14.02.2020, the complainant received a call from the Patwari that the seller was an impostor and Naveen (brother of the complainant) also made an enquiry and determined that the seller was an impersonator. Resultantly, the present case was registered and the co-accused namely Than Singh, Sarika, Purushotam amongst others were arrested.

3. Learned counsel appearing on behalf of the petitioner contends that the allegations against the petitioner is to the effect that

the petitioner played a vital role in the commission of the offence by preparing the forged Aadhar Card and Pan Card on the strength whereof the co-accused Seema Madan impersonated as Aisha Chowdhary (owner of the property) and thus facilitated execution of the fraudulent transaction. She contends that the petitioner is in custody since 18.09.2021 and that the investigation is complete. She further contends that all other similarly placed accused including the main accused Sarika have already granted concession of regular bail by this Court vide order dated 23.02.2022 passed in CRM-M-50595-2021.

4. Mr. Ashish Yadav, Additional Advocate General Haryana appearing on behalf of the respondent-State, however contended that the petitioner facilitated commission of the offence by forgery of document without which the sale deed could not have been facilitated. He further submits that yet another FIR No. 531 of 2019 under Section 420, 467, 468, 471 and 120-B of the IPC at Police Station Samalkha, District Panipat has already been registered against the petitioner for commission of similar offences. He however could not controvert the fact that the other accused in the present case have already been granted concession of bail by the Courts. Besides, the investigation in the case is complete and even the charge has not been framed yet. He further accepts that it is a magisterial trial and that there are a total of 31 witnesses to be examined and conclusion of trial is likely to take long time.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Taking into consideration, the circumstances noticed above, the role attributed to the petitioner, the concession of bail having already been granted to the other similarly placed accused persons, the period of custody and also the stage of the magisterial trial, I deem it appropriate, to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 11, 2022
vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No