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

CRM-M-19547-2021 (O&M)
Date of Decision:- 25.2.2022

Naresh Kumar @ Naresh Panjeta … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Gupta, Advocate for the petitioner.

Mr. M.S. Dullat, Additional A.G. Punjab,
assisted by ASI Jaswinder Singh.

(proceedings conducted through video conferencing)

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GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 148 dated 19.4.2021 under Sections 420, 465, 467, 468, 471/120B IPC at Police Station Zirakpur, District SAS Nagar.

2. The FIR in question was lodged at the instance of Dashmesh Singh, Ex-Sarpanch, Village Stabgarh wherein he alleged that since he wanted to purchase some property, his friend Naresh Kumar, Advocate introduced him to Vikram Jolly who was dealing into sale and purchase of property. On 26.3.2021, he was shown 12-13 acres of land in village Sundran, Tehsil Zirakpur, District SAS Nagar by Vikram Jolly. When he had reached at the spot to see the property, there were seven persons already standing there. In the meantime, Naresh Kumar, Advocate and Vikram Jolly also came there and introduced the complainant to the persons standing there who disclosed

their names as Arvind Kumar Verma, Gurmeet Singh, Lakhwinder Singh, Manjit Singh, Naresh Panjeta, Ajay and Gurwinder Singh and they disclosed that they wish to sell their land. When the complainant asked his friend Naresh Kumar, Advocate to show him the original documents, then four of the persons present there showed him power of attorney executed in the office of Sub-Registrar, Rajpura on 20.5.2013 and also showed him their identity cards, Aadhar Cards and PAN Cards. On 7.4.2021, the deal was finalized for a sum of ₹1,41,00,000/- and it was agreed that the sale deed would be executed and registered on 9.4.2021. On 9.4.2021, when the complainant demanded original documents, the accused produced original General Power of Attorney executed in favour of Manjit Singh which was bearing No. 1799 dated 5.3.2021 of Krishan Kumar, Stamp Vendor and was attested by Sub-Registrar, Rajpura on 5.4.2021. It is alleged that the complainant was made to purchase stamp papers worth ₹ 8,78,000/- and to deposit an amount of ₹ 2,98,600/- as registration fees. When the said persons tried to make the complainant deposit TDS of ₹1,30,000/-, he got suspicious as he had noticed difference in the photographs. When the documents were put up before the Sub-Registrar (Tehsildar), Zirakpur, he also got suspicious and tried to seek mobile numbers of the persons selling the land but the said persons slipped away without getting the sale deed executed. Thus, the complainant's suspicion turned into belief that the accused had deceived him.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been roped in the present case and that even during investigation, no convincing evidence could be found to establish the involvement of the

petitioner. It has further been submitted that in any case, no loss had been caused to the complainant inasmuch as no part of the sale consideration had ever passed on from the complainant to the accused. It has been submitted that though the investigating agency claims that the petitioner was present alongwith Manjit Singh at the time when Manjit Singh had got a bank account opened, but the mere presence, even if admitted, would not lead to any inference regarding complicity of the petitioner when he has not participated in any manner in the opening of bank account and has not signed any document in this regard.

4. On the other hand, the learned State counsel has submitted that it is a case where all the accused had conspired together and had attempted to sell off prime land in Zirakpur to the complainant on the basis of forged documents for a whopping amount of ₹1,41,00,000/- and it was just on account of the vigilant Sub-Registrar, who asked a couple of questions to the accused at the time of registration of sale deed, that the fraud could be avoided. The learned State counsel has further submitted that during the course of investigation, the investigating agency has recorded the statement of the Bank Manager, HDFC Bank where a bank account in the name of Manjit Singh (real name Satish Kumar) had been opened. The statement of the said Bank Manager reads as follows :-

> "…. I am resident of above mentioned address and I am posted as Bank Manager in HDFC Bank Branch Chatt from last 1.5 years. That on 08.04.2021, one man namely Manjit Singh s/o Sucha Singh r/o H. No. 77 General Enclave, Bank side, Lucky Dhaba, Zirakpur and complete address 665 Azad Nagar Sirhind

Road Patiala came to this bank along with other man namely Naresh Kumar, for the opening of account No. 50100384102384. But at that time no signature was made by Naresh Kumar on any bank related document nor any document was collected by bank from him. That 5 cheques (Cheque No. 00001 to 00005), was issued to Manjit Singh by this bank, but out of this cheque book no cheque was used. At the time of opening of bank account, Rs. 5000 was deposited by Manjit Singh. That the address given by Manjit Singh at the opening of bank account, was verified by the bank staff and during verification he was not present (or found) at that address, thus, the above said account was blocked by the bank. And thereafter, Manjit Singh and Naresh Kumar was never seen in the bank premises. The statement got recorded with you, read, heard, which is correct…."

5. I have considered rival submissions addressed before this Court.

6. The facts as emanating from the FIR and also the investigation conducted by the police do show that the petitioner was part and parcel of the entire conspiracy and they had hatched a plan to defraud the complainant of a huge amount of ₹1,41,00,000/- by way of executing a sale deed by impersonation. It was sheer luck and on account of an alert and vigilant Sub-Registrar that the perpetuators of fraud were not fully successful in their designs and upon being questioned by the Sub-Registrar, they fled away from the spot. The game plan of the accused was to execute the sale deed and to receive the amount, a part of which was to be received by way of cheque or draft

favouring Manjit Singh which was to be credited in the newly opened bank account of Manjit Singh in HDFC Bank. The petitioner had accompanied Manjit Singh (real name Satish Kumar) when the said bank account was opened and was also present alongwith the accused at the time when the complainant had gone to see the land in question. In these circumstances, the involvement of the petitioner is clearly evident and his custodial interrogation would be required to unearth the finer details of the conspiracy.

7. The petition, as such, is found to be sans merit and is hereby dismissed.

25.2.2022 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned Yes / No
Whether Reportable Yes / No