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

CRM-M-22401-2021

Date of Decision: 20.04.2022

Parth Soni

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anand K. Bishnoi, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, D.A.G., Haryana,
for respondent No.1/State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0089, dated 01.04.2021, under Sections 420, 467, 468, 471 & 120-B of the IPC, 1860, registered at Police Station Manesar, District Gurugram.

Learned counsel for the petitioner has submitted that in pursuance of the order passed by this Court on 16.07.2021, the petitioner was granted interim bail by this Court subject to joining the investigation. He further submitted that the petitioner has joined the investigation not once but repeatedly and he has fully cooperated with the investigation process. He also submitted that even a questionnaire was provided to the petitioner in pursuance of the orders passed by this Court and he had answered the questionnaire as per his own knowledge, and therefore, has cooperated with

the investigation process and has prayed that interim order passed by this Court may be made absolute.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has stated that it is correct that the petitioner has joined investigation in pursuance of the order passed by this Court on 16.07.2021. However, he has raised an objection to an extent that the petitioner has not given any information with regard to the persons who had impersonated when the sale deed was executed.

Replying to the objection raised by the learned State counsel, it is submitted by learned counsel for the petitioner that it is a case where the petitioner had purchased a property of 2 bigha, 16 biswa and 5 biswansi by way of a registered sale deed and the owners of the property were two persons, namely, Subhash Jain and Rajiv Jain. The petitioner is running a jewellery business and he purchased the property through a property dealer, namely, Naresh Kumar, who had got the deal stuck between the petitioner and the owners. He stated that the petitioner was not even aware as to whether the persons, who have executed sale-deed were actual owners or not or whether they were impersonating and consequently he had rather given Rs.10 lacs to the aforesaid Naresh Kumar, who was a Property Dealer in advance as a sale consideration and thereafter some cheques were also given from the personal account of the petitioner as some amount was to be transferred from the property firm of the petitioner in the name of the individual account since he wanted to purchase the land in his own name. He also submitted that the objection raised by the learned State counsel that he had not been able to disclose the name of the impersonators is not sustainable in view of the fact

that the petitioner himself was the victim of the sale-deed because he was not even aware that the persons who had executed the sale deed were impersonators and rather a fraud has been committed upon the petitioner himself by the aforesaid property dealer, namely, Naresh Kumar, who is already in custody and therefore, it cannot constitute a ground for denial of the bail to the petitioner.

I have heard the learned counsel for the parties.

In pursuance of the order passed by this Court on 16.07.2021, the petitioner has already joined the investigation as per the learned counsel for the parties. An objection has been raised by the learned State counsel that the petitioner has not disclosed the name of the impersonator has been replied by the learned counsel for the petitioner by stating that the petitioner himself was a victim of the fraudulent transactions and had rather paid Rs.10 lacs to the aforesaid property dealer, namely, Naresh Kumar who is in custody. This Court is of the view that the petitioner has already joined the investigation and the objection raised by the learned State counsel would not be sustainable as according to the learned counsel for the petitioner it was not within his knowledge whether impersonation has been done or not because he has got the registered sale deed executed in his name on a *bona fide* belief that the executants of the sale deed were the real owners and had trusted the property dealer to whom he also paid Rs.10 lacs, and therefore, he himself was the victim of the entire transaction.

In view of the aforesaid position, this Court is of the considered view that the objection taken by the learned State counsel is not sustainable and therefore, this Court deems it fit and proper to allow the present petition.

Consequently, the order dated 16.07.2021 is hereby made absolute.

20.04.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:
- Yes/No
2. Whether reportable:
- Yes/No