

CRM-M-22476-2022

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

CRM-M-22476-2022

Date of decision: 26.08.2022

Sudhir Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Navneet Jindal, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.103 dated 08.02.2022, registered at Police Station City Hansi, District Hisar, under Sections 420, 467, 468 and 471 IPC and Sections 82 and 83 of the Indian Registration Act, 1908.

Learned counsel for the petitioner contends that the petitioner purchased the property in question way back in the year 2005; that after having received the sale consideration, the petitioner executed an agreement to sell, in favour of Veerbhan Malhotra in 2016, qua the disputed property and handed over its possession to him; that however, vide notice dated 23.12.2021 (Annexure P-4), Executive Officer, Municipal Council, Hansi, informed aforesaid Veerbhan Malhotra that the property in question belongs to Old Cremation Ground and asked him to submit the documents showing his possession over it, and that aforesaid Veerbhan had

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concealed the factum of issuance of the notice to him and induced the petitioner to execute the sale deed dated 03.01.2022 in favour of Sheenam (daughter-in-law of Veerbhan) and another vendee.

Learned counsel further contends that out of chunk of land measuring 03 kanal 10 marla, some portion of land had been purchased by Rakesh against whom a different FIR had been registered; that aforesaid Rakesh, who is placed on the same footing as the petitioner, has since been granted regular bail by learned Sessions Judge, Hisar, vide order dated 16.05.2022; that there is no other case registered or pending against the petitioner, and that the prosecution witnesses are yet to be examined. On this premise, learned counsel prays for the grant of bail to the petitioner.

On the other hand, learned State counsel while opposing the grant of bail to the petitioner, submits that the petitioner alongwith his partners had hatched a criminal conspiracy and cheated purchasers Sheenam and Sunita by executing sale deed dated 03.01.2022 with regard to the property comprised in khasra no.1332 by showing the land to be situated in Mini Model Town, Hansi, whereas khasra no.1332 is situated near village Lalpura. The petitioner alongwith his partners had taken illegal possession of some other land, which belongs to cremation ground.

I have heard the learned counsel for the parties.

A perusal of the record would show that vide registered sale deed dated 22.02.2005, the petitioner alongwith others had purchased the land measuring 03 kanal 10 marla. After having received the sale consideration, the petitioner executed an agreement to sell, in favour of Veerbhan Malhotra in 2016, qua the disputed property and had handed over

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its possession to him at that time. However, the petitioner executed the sale deed in favour of Sheenam (daughter-in-law of Veerbhan) and Sunita on 03.01.2022, wherein it is clearly mentioned that the possession of the land was given in 2016. The whole case of the prosecution is based on documentary evidence. Moreover as stated above, Rakesh, an accused in different FIR, but having similar allegations as the petitioner, has since been granted the benefit of regular bail.

The petitioner has been in custody since 28.04.2022. The prosecution witnesses are yet to be examined. There is no other case registered or pending against him. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

26.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No