

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

CRM-M-32672-2022

Date of Decision:-26.09.2022

Sanjay Punj.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. M.K. Sood, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

Mr. Ram Bilas Gupta, Advocate for the Complainant.

JASJIT SINGH BEDI, J.

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail in case FIR No.0254 dated 01.7.2022 under Sections 420, 467, 468, 471 IPC registered at Police Station Central Faridabad, Faridabad.

The brief facts of the case are that one Savita Rani Narang filed a complaint stating therein that she was a cashier and working as a committee member of Green Estate and HRE Plot Holders Association. One Kulbhushan Batra was the working president of the Association continuously from September 2015. In the revenue estate of Ismailpur and Agwanpur of District Faridabad there was 135 acres of land registered in the name of the Association and some land was on lease hold. There was no

provision to sell the land of the Association in the Byelaws of Association. Sanjay Punj (petitioner) was never elected as a president of the Association. However, he was the President of Naveen Co-operative House Building Society from 2016 to 2021. The Green Estate and HRE Plot Holders Association had authorized the Naveen Co-operative House Building Society to take care of and develop the land. However, no right had been given to sell the land. Sanjay Punj-petitioner had sold the land to many people on the basis of agreement by showing a fake proposal dated 15.07.2016 (actual date 10.07.2016) to sell 2 acres of land passed in the general body meeting of the Green Estate and HRE Plot Holders Association (hereinafter referred to as Association). There was no proposal to sell the land of the Association in the agenda of the meeting held on 15.07.2016 (actual date 10.07.2016). Despite that, citing the fake proposal the land of the society was sold to many persons on the basis of agreements by Sanjay Punj. In that regard an FIR No.399 stood registered on 10.07.2019 under Sections 406, 420, 467, 468, 471 IPC at P.S. Central, Faridabad against the petitioner which was pending adjudication in court. Similarly FIR No.688 dated 19.11.2019 under Section 406, 420 IPC stood registered against the petitioner at P.S. Palla, District Faridabad for selling land of the association fraudulently. This case was also pending in the court. The petitioner in collusion with his friends Lal Ji Shrivastava and S.B.L. Verma had sold 2 Kanal 2 Marlas of land of the Association in the revenue estate of village Ismailpur to Rajesh Kumar Jain son of Late Sh. Kamta Prasad Jain for a sum of Rs.65 lacs through an agreement dated 19.09.2020. Based on the aforementioned allegations the present FIR came to be registered.

The Counsel for the petitioner contends that the petitioner is the President of the Association and Naveen Co-operative House Building Society. He has filed many cases in the capacity of Secretary and got false sale deeds cancelled. In fact some sale deeds had been executed by one Krishan Lal Sharma showing himself to be the secretary. Certain civil suits were also filed wherein the complainant was a plaintiff. It is contended that the petitioner had been duly appointed as President of the Association and it was therefore, that on 10.07.2016 the meeting of the general house was convened and it was resolved to sell 02 acres of land and the petitioner being the President was authorised to form a committee of 5 members to deal and negotiate with the buyer. In fact the said land has been sold to meet legal expenses as the land of Green Estate and HRE Plot Holders Association had been grabbed by many person and sold thereafter. The petitioner had himself filed 45 cases to get the land vacated which were pending before the Trial Courts. He contends that in the FIR No.686 dated 19.11.2019 the petitioner had been granted the concession of anticipatory bail vide order Annexure P-8 whereas in FIR No.399 the petitioner was granted the concession of regular bail vide order dated 25.11.2019 (Annexure P-9). He contends that a quashing petition in respect of FIR No.399 stands filed which is pending adjudication before this Court. It is thus prayed that since the petitioner is ready to join investigation and the agreement regarding which the FIR stands registered was cancelled on 19.06.2022, the petitioner deserves the concession of anticipatory bail.

This matter had come up for hearing before this Court and initially the arrest of the petitioner was stayed on 08.08.2022. Pursuant thereto a reply has been submitted by the State on 17.09.2022. It is the

contention of the State that earlier also the petitioner had entered into agreement to sell of the land of the society illegally upon which an FIR No.399 was registered. In the said case, while granting bail to the petitioner the court of ASJ, Faridabad vide his order dated 25.11.2019 mentioned that the bail was being granted on the condition that he would not commit a similar offence in future. It is also stated in the reply that the record of the society i.e. Green Estate and HRE Plot Holders Association was sought from the office of the Registrar of Societies and it was found that the records had been seized by the CBI/ACB, Delhi in 2015. In fact different persons had claimed to be the office bearers of the society and no list of members of the society had been certified by the office of the Registrar of Societies. It was also found that the Association was not registered with the office of Assistant Registrar and currently there was no President looking after the affairs of the society. It is also contended that in the other FIR registered against the petitioner bearing FIR No.686 similar allegations were levelled and the case was otherwise listed for framing of charges. Therefore, it was prayed that the bail application of the petitioner be dismissed since he was a habitual offender.

The Counsel for the complainant has also filed a reply dated 09.09.2022. As per the reply, the petitioner was said to be absconding and his co-accused Lalji Srivastav and SBL Verma are also not available for investigation. It is contended that when the petitioner was granted bail vide orders Annexure P-8 & P-9 it was the specific condition in the order Annexure P-9 that he would not commit a similar offence for which he has been accused. But despite that fact, after obtaining bail, the petitioner has gone ahead and committed the identical offence which has led to the

registration of the present FIR. It is also contended that the various resolutions referred to by the petitioner whereby he is said to have been made President have been forged and fabricated. The resolution dated 10.07.2016 was null and void. It is further contended that the land of the Association is still in possession of Mr. Rajesh Kumar Jain and Amit Bhatti despite the fact that the petitioner contends that the agreement with Rajesh Kumar Jain stands cancelled. Even otherwise, the market price of the land sold vide agreement dated 19.09.2020 is in crores. Initially the land of the association was sold to Sanjay Tiwari by agreement dated 01.02.2019 . Thereafter it was sold to Rajesh Jain and Amit Bhatti vide agreement dated 09.04.2019. Thereafter the petitioner sold the same disputed land to Rajesh Jain on 19.09.2020. It is thus contended that in view of the conduct of the petitioner of selling land belonging to the Association and also repeatedly committing the same offence, he did not deserve the concession of anticipatory bail.

I have heard learned Counsel for the parties at length.

Admittedly, another FIR No.399 dated 11.09.2019 stands registered against the petitioner. In the said FIR the allegations are identical as is borne out from order Annexure P-9. While granting regular bail to the petitioner, the court of Additional Sessions Judge, Faridabad imposed the following conditions:-

- “(i) *that the applicant shall not commit an offence similar to the offence of which he is accused or suspected, of the commission of which he is suspected, and*
- (ii) *that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;*

(iii) *that the applicant shall not leave India without the previous permission of the court.*

Despite the aforementioned conditions, the petitioner admittedly entered into an agreement to sell dated 19.09.2020 thereby, allegedly, committing the same offence. Another FIR No.686 also stands registered against the petitioner whereby while granting anticipatory bail the following conditions were imposed:-

“ Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.”

Thus apparently, the petitioner has clearly violated the conditions laid down by the Sessions Court while granting bail to him in FIR No.399 and his conduct is incorrigible.

In view of the above discussion and the serious nature of allegations wherein he has sold land worth crores without having any right to do so, the custodial interrogation of the petitioner is certainly necessary to take the investigation to its logical conclusion.

Therefore, finding no merit in the present petition, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

September 26, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>