

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

CRM-M-39610-2021 (O&M)
Reserved on: 05.12.2022
Pronounced on: 08.12.2022

Sanjeev Mahajan

...Petitioner

Versus

Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate and
Ms. Kirti Ahuja, Advocate and
Ms. Kashish Sahni, Advocate, for the petitioner.

Mr. Rajeev Anand, APP, U.T. Chandigarh.

HARNARESH SINGH GILL, J.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.63 dated 02.03.2021 under Sections 452, 331, 344, 365, 386, 419, 420, 465, 467, 468, 471, 473, 474, 477, 120-B IPC (Sections 328, 166, 201 and 218 IPC and Sections 7 and 13(1)(2) of the Prevention of Corruption Act, 1988), registered at Police Station Sector-39, Chandigarh.

Learned Senior Counsel for the petitioner has contended that the petitioner, who is a journalist, had earned annoyance of different public authorities by exposing various scams in the Govt. offices; that though the prosecution pleads that the petitioner is the master mind behind the entire occurrence, yet there is nothing on record to connect the petitioner with it; that there was no trail of money leading to the applicant, which per-se establishes a falsity in the prosecution

case. As per the contents of FIR, certain persons, including the petitioner, had sold the house owned by Rahul Mehta, to Saurabh Gupta, and the GPA executed by Sh. Rahul Mehta in favour of Khalendra Singh Kadyan and Arvind Singla, was cancelled on 01.03.2019 i.e. the date when the sale deed was executed. Learned Senior Counsel has further contended that the petitioner was not a beneficiary of the aforesaid sale transaction, in any manner; that even otherwise, there was no allegation against the petitioner that he had forged any document so as to get the sale deed executed from Rahul Mehta in favour of Saurabh Gupta, and that the petitioner was never involved in any manner in the alleged property transactions.

Learned Senior Counsel has further contended that during investigation, Saurabh Gupta disclosed that his brother Manish Gupta deals in the property matter of the entire family; that they had purchased the house in question from Arvind Singla and Khalendra Singh Kadiyan i.e. GPA holders of Rahul Mehta, and that GPA had also been cancelled in the presence of the witnesses and that the above facts would clearly show that the petitioner had never been involved in the alleged property transactions. Learned Senior Counsel has further contended that Manish Gupta, Saurabh Gupta, Satpal Dagar and Arvind Singla have since been granted the concession of regular bail by the Coordinate Benches, vide orders dated 19.05.2021, 23.11.2021 and 15.12.2021. Moreover, co-accused Daljit Singh @ Rubbal had been granted the concession of anticipatory bail by learned Addl. Sessions Judge, Chandigarh, vide order dated 06.07.2021. The petitioner has been in custody since

01.03.2021 and challan has already been presented.

It is further submitted that all the offences are triable by a Magistrate, except the offence under the Prevention of the Corruption Act, but the said charge is not against the petitioner, as the petitioner is neither a Government employee, nor has anything to do with the giving or demand the bribe.

On the other while, learned APP, U.T. Chandigarh, has contended that Rahul Mehta, Aneesh and Daljit Singh @ Rubbal got recorded the statements with the Investigating Agency that the petitioner and one Surjit Bouncer had forcibly intoxicated Rahul Mehta and also kept him in confinement and obtained his signatures on some blank papers; that in his statement, Vicky also stated that the petitioner had got executed an agreement to sell regarding the said house by Rahul Mehta in his favour, as would decipher from the register maintained by the Notary Public, Sh. P.K. Dass, Advocate, and that the petitioner had also got filed a civil suit through Surjit Singh Bouncer against Rahul Mehta, to create the proof of tenancy. He has further contended that the petitioner and Daljit Singh @ Rubbal had taken Rahul Mehta to the Bank, namely, Catholic Syrian Bank, Sector 34, Chandigarh, to open his bank account and the mobile number of Daljit Singh @ Rubbal was also mentioned in the said bank account and it was so done to enable the petitioner to know the transactions being done in the said account. He has further contended that the petitioner had forcibly inducted his protégé Surjit Singh Bouncer as a tenant in the said house; that the amount transferred in the account of Surjit Singh Bouncer, was for the use and benefit of the

petitioner; that the petitioner had shifted Rahul Mehta to an Ashram in Gujarat through Surjit Singh Bouncer; that on the basis of the forged documents submitted by the petitioner, the Estate Office had transferred the house in favour of Rahul Mehta.

Learned APP has, thus, submitted that the petitioner might be claiming that he had no role in the occurrence, but the entire occurrence is the brainchild of the petitioner and the petitioner being a journalist has used his wide network in committing the crime in question.

Learned A.P.P. has further submitted that Rahul Mehta, is a vulnerable witness; that the defence wants to term the said witness as mentally unstable and in this regard, an application moved by the defence, was also declined by the trial Court, and that the deposition of Rahul Mehta, is yet to be recorded by the trial Court and in case, the petitioner is released on bail, he would make all out efforts to either win over or tamper with the evidence.

I have heard the learned counsel for the parties.

The petitioner has been termed to be one of the key conspirators in the occurrence in question. He has been in custody since 01.03.2021. No recovery was effected from the petitioner. Other co-accused, namely, Manish Gupta, Saurabh Gupta, Satpal Dagar and Arvind Singla, have already been granted the concession of regular bail. Even, Rajdeep Singh, co-accused, has also been granted the concession of regular bail vide order dated 28.09.2022 passed by this Court. Though the learned APP has vehemently opposed the bail on the ground that

Rahul Mehta is yet to be examined in the Court, yet the fact remains that said Rahul Mehta is stated to be in police protection.

The allegations that the petitioner is a key conspirator, are yet to be proved on the basis of evidence to be led by the parties. As the case is already at the stage of prosecution evidence, no custodial interrogation of the petitioner is required. The other co-accused, as noticed above, have since been granted the concession of bail. The trial may take long time to conclude.

In view of the above, without expressing any opinion on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing surety/bail bonds to the satisfaction of the trial Court.

08.12.2022
Praveen/ds

(HARNARESH SINGH GILL)
JUDGE

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