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

Date of decision-23.02.2022

1. CRM-M-50595-2021

|                  |     |                |
|------------------|-----|----------------|
| Sarika           |     | ....Petitioner |
|                  | Vs. |                |
| State of Haryana |     | ...Respondent  |

2. CRM-M-2805-2022

|                  |     |                |
|------------------|-----|----------------|
| Than Singh       |     | ....Petitioner |
|                  | Vs. |                |
| State of Haryana |     | ..Respondent   |

3. CRM-M-3157-2022

|                  |     |                |
|------------------|-----|----------------|
| Purshotam        |     | ....Petitioner |
|                  | Vs. |                |
| State of Haryana |     | ...Respondent  |

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mrs. Kiran Bala, Advocate for the petitioner  
in CRM-M-50595-2021.

Mr. H.S.Deol, Advocate for the petitioner  
in CRM-M-2805-2022.

Mr. Abhimanyu Singh, Advocate for the petitioner  
in CRM-M-3157-2022.

Mr. Bhupender Singh, DAG, Haryana.

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**MANOJ BAJAJ, J.**

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.142 dated 09.07.2020 under Sections 120-B, 419, 420, 467, 468 and 471 Indian Penal Code, 1860 PC registered at Police Station Bhondsi,

District Gurugram, who were arrested on 18.09.2021, 06.10.2021 and 14.09.2021, respectively.

The contents of the FIR as noticed by the Additional Sessions Judge, Gurugram in his order dated 18.11.2021 (in CRM-M-50595-2021) are as under:-

*“The FIR registered on the complaint of Sudha Yadav that on 08.07.2020 Than Singh Raghav @ Pappu and Sameer son of Rahul came to her and stated that they have a land (Farm House) measuring 16 Kanal (2 acres) in village Ghamroj for sale. They produced photocopy of mutation nos. 5215, 5514, 5437 and Aks shijra to her stating that owner of the land is Aisha Chowdhary and Sameer is her driver. Complainant and her husband Naresh Yadav saw the papers of land and Than Singh and Sameer asked them to see the land. The complainant called her brother Naveen and they all visited village Ghamroj to see the site. Than Singh opened the gate of the land and Sameer asked them for a meeting with 'madam'. When they reached for meeting, they found that one Lalit Yadav came on behalf of madam as she was stated to be seriously ill. On 2.11.2019, they met Ayasha Chowdhary Gandhi and Sameer and saw the IDs of Ayasha Chowdhary and finalized the deal for Rs.1,51,00,000/-. They were asked to pay Rs. One crore through cheque and Rs. 51 lakhs in cash. The date for execution of sale deed was fixed as 06.01.2020 and they paid Rs. One crore through four cheques and Rs. 51 lakhs in cash. Sale deed was executed on 06.01.2020 and she gave the copy of sale deed to complainant's brother Naveen and asked him to visit the Patwari for sanction of mutation and on 10.02.2020 Patwari informed that the mutation was sanctioned. On 14.02.2020, the complainant received a call from the Patwari that their seller was impostor and Naveen also inquired that seller was a fake woman. He asked from Than Singh to confirm the identity of the seller on which he had stated to call the seller on the pretext of demarcation of land but they did not come. Thereafter they stopped the payment of Rs.35 lakhs through bank. The accused have not contacted them. With these allegations FIR under sections 419, 420, 467, 468, 471, 120-B IPC*

*was registered.”*

Learned counsel for the petitioners have argued that as per the allegations made by complaint-Sudha Yadav, the property in question owned by Ayasha Chaudhary Gandhi was sold through sale deed dated 06.01.2020 by way of impersonation by co-accused Seema Madaan as vendor. The another co-accused Sakeel Ahmed @ Sameer signed the said instrument as a witness, who vide order dated 11.11.2021 (Anenxure P-2) was released on regular bail by this Court. According to them, the investigation of the case is complete and the final report has been filed, therefore, petitioners be also released on bail.

On the other hand, learned State counsel assisted by SI Lakhpat Singh while opposing the prayer has argued that accused-Sarika along with other co-accused had opened a bank account in the name of actual owner and provided her own photo in the bank records in order to receive the sale consideration. He further submits that the land in question, which was illegally sold was in fact identified by Than Singh, whereas Purshotam is also accused being a conspirator and had received some amount in his account. It is pointed out that the trial is yet to commence as charges are yet to be framed.

At this stage, learned counsel for the petitioners have argued that the role attributed to Than Singh and Purshotam does not indicate their direct involvement in the execution of the sale deed and since co-accused is on bail, they also deserve the concession of regular

bail.

Considering the above background, custody of petitioners and the fact that the co-accused has already been released on regular bail as well as nature of offences, which are triable by Magistrate, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioners may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitions are allowed.

23.02.2022

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

(MANOJ BAJAJ)

JUDGE

No

No