

CRM-M-4950-2023 and
CRM-M-9395-2023 2023:PHHC:107363

219 (2 cases)

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-4950-2023
Shashi Sharma ... Petitioner
Versus
State of Haryana .. Respondent

2. CRM-M-9395-2023
Manoj Joshi ... Petitioner
Versus
State of Haryana .. Respondent

Date of Decision:-18.08.2023

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Gursharan Singh, Advocate
for the petitioner in CRM-M-4950-2023.

Mr.Jagmohan S.Ghumman, Advocate
for the petitioner in CRM-M-9395-2023

Mr.Munish Sharma, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of CRM-M-4950-2023 titled as ‘Shashi Sharma Versus State of Haryana’ and CRM-M-9395-2023 titled as ‘Manoj Joshi Versus State of Haryana’ as both the petitioners are accused and have approached this Court by way of separate petitions under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

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FIR No.	Dated	Police Station	Sections
225	07.06.2022	Badshahpur, Gurugram	419, 420, 467, 468, 471 and 120-B IPC

2. For the sake of convenience, facts are being taken from **CRM-M-4950-2023**.

3. Case of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of Vikram Mehta, who has been authorized by Atul Mathur and his wife – Suniti Mathur, on the allegation that they have been defrauded of two acres of landed property at village Badshahpur, District Gurugram. It has been alleged that on the basis of fake documents, their property has been disposed of. The fraud came to their notice on 01.06.2022 when Manoj Joshi (petitioner in CRM-M-9395-2023) and Pranay Singal, the purchaser of the property handed over the registry letter of their property to the care-taker. It has been alleged that the original owners have been put at a huge financial loss.

4. Counsel for the petitioners contend that the petitioners have been defrauded by two property dealers by namely Dharmender Khatana and Adnan Ansari, who planned the fraud and sold the land to Manoj Joshi and Pranay Singal. By making a reference to the bank statement Annexure P-3 filed in CRM-M-9395-2023, it has been submitted that Manoj Joshi has electronically transferred an amount of Rs.48 lakhs to the bank account of Atul Mathur. Counsel urged that the petitioners are not the beneficiaries and the sale deed allegedly executed has been cancelled. Still further, they submit that the offences alleged are triable by a Magistrate and the petitioners are no

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longer required for custodial interrogation as investigation is complete and challan has been presented.

5. Counsel representing accused Shashi Sharma has urged that she is a middle aged lady and has been falsely implicated as her original official documents have been misused. Both the counsel submit that the petitioners have clean antecedents.

6. Per contra, State counsel upon instructions has opposed the petition and has argued that the petitioners are hand in glove with co-accused and in connivance, they have committed this fraud. He has made a detailed reference to the status reports filed in both the cases and has submitted that the prosecution possesses sufficient incriminating material to nail the accused. In particular, he has argued that Manoj Joshi is a property dealer and master-mind behind the offence. As per his instructions, charge has been framed on 29.04.2023 and out of 41 prosecution witnesses, none has been examined.

7. I have considered the respective submissions of counsel for the parties.

8. The role ascribed to the petitioners would be determined by the Trial Court on the basis of evidence adduced before it. Noticing the nature of allegations levelled against the petitioners, their unblemished antecedents, length of custody of more than 13 months, initial stage of the trial and remote possibility of its early conclusion, this Court is inclined to accept the prayer made in the petitions.

9. Without adverting to the merits or demerits of the arguments

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addressed, petitions are allowed. Petitioners are ordered to be released on bail, on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

10. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

18.08.2023

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No