

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13789-2023
Date of Decision:-29.05.2023

RAVINDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Jaivir Yadav, Senior Advocate with
Mr. Nitish Sharma, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 225 dated 07.06.2022, registered under Sections 419, 420, 467, 468 and 471, 120-B IPC at Police Station Badshahpur, District Gurugram.
2. The allegations in nutshell are that Atul Mathur and his wife Suniti Mathur were owners of the property in question and they were residing in USA. The accused persons prepared fake documents of both the said owners and co-accused Ashok Sharma posed himself as Atul

Mathur while co-accused Shashi Sharma posed herself as Suniti Mathur and both the said two impersonators posing themselves to be the owners of property in dispute executed the sale-deed in favour of Manoj Joshi and Pranay Singhal. The allegations against the present petitioner are that he wrongly introduced co-accused Ashok Sharma to the bank authorities, when said impersonator opened bank account posing himself as Atul Mathur. During investigation Ashok Sharma, Shashi Sharma and Manoj Joshi were arrested and there was one another mastermind Dharminder Khatana and even he was also arrested. However, Pranay Singhal was found innocent by the police. The allegations against the present petitioner are that he provided one fake rent agreement to facilitate co-accused Ashok Kumar in getting his account opened in the Union Bank of India under factitious name of Atul Mathur.

3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and only allegations against the petitioner are that he facilitated co-accused Atul Sharma in getting him open a bank account by providing him fake rent agreement and that the petitioner is in custody since 10.10.2022. The counsel for the petitioner further submits that the trial is at initial stage and during investigation no incriminating article was recovered from the possession of the petitioner and further the sale deed in question stands cancelled. The counsel further apprised that co-accused Dhanesh Kumar has been enlarged on bail vide order dated 10.2.2023 (Annexure P-2), passed by this Court and that the petitioner has been

granted bail in all the other cases faced by him. So prayer is made that the petitioner be released on bail.

4. The instant petition is contested by the State counsel, who submits that the petitioner was part of a conspiracy which was hatched by the accused persons to grab the property of Atul Mathur and Suniti Mathur who are residing in USA. However, the State counsel has not disputed the fact that co-accused Ashok Kumar, Sashi Sharma, Manoj Joshi and Dhanesh Kumar were arrested during the investigation and that the only allegations against the petitioner are that he provided one fake rent agreement to facilitate co-accused Ashok Kumar in getting his account opened in Union Bank of India under factitious name of Atul Mathur. The State counsel further apprised the Court that after completion of investigation challan was presented by the police and the State counsel has not disputed that co-accused Dhanesh Kumar has been granted bail by this Court vide order dated 10.2.2023 (Annexure P-2).
5. I have considered the submissions made by counsel for the parties.
6. Admittedly all the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is in custody since 10.10.2022 and during investigation, no objectionable article was recovered from the possession of the petitioner and after completion of investigation police presented challan. The petitioner was not named in the FIR and nominated as accused on the basis of the disclosure statement. Further it appears that fraudulent sale deed has been cancelled vide order dated 17.6.2022 by the competent authority and all the disputed documents

are there in the police custody. Co-accused Dhanesh Kumar has been granted concession of regular bail vide order dated 10.2.2023 (Annexure P-2), passed by this Court.

- 7. In view of the above, as it will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
- 8. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

29.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No