

CRM-M-15371-2023

2023:PHHC:101423

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(223) IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-15371-2023

Date of Decision: 07.08.2023

RAHUL @ RAMESH SOOD

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present: Mr. R.K. Adia, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

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**JASJIT SINGH BEDI, J.**

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.135 dated 22.03.2022 (Annexure P-1) registered under Sections 420, 465, 467, 468, 471, 482, 120-B of IPC, 1860 at Police Station Sohana, SAS Nagar, Punjab.

2. The present FIR came to be registered with the allegations that Sanjeev Kumar (granted bail vide order dated 10.01.2023 passed in CRM-M-49769-2022) son of Jarnail Kumar had fraudulently prepared a GPA of plot No.88, Sector-80, SAS Nagar, Mohali of Hindustan Steelworks and Construction Pvt. Ltd. in his name by affixing fake stamps and signatures of the officials of the aforesaid company after which he in connivance with Amit Kapoor and Rahul @ Ramesh Sood (petitioner) entered into an agreement to sell of the aforesaid plot with the complainant and obtained three cheques worth Rs.1 crore. The said cheque amount had been deposited in a fake bank

account of the company at Moga and was withdrawn by Sanjeev Kumar thereby cheating the complainant to the tune of Rs.1 crore.

During the course of investigation, petitioner-Rahul @ Ramesh Sood was arrested on 02.05.2022 and suffered his disclosure statement that Sanjeev Kumar had transferred a sum of Rs.15 lakhs and Rs.1,30,000/- to his account at Panchkula along with Rs.2 lakhs in cash and out of the said amount he had given a sum of Rs.4,50,000/- to one Mehma Singh (since granted bail vide order dated 27.10.2022 passed in CRM-M-30060-2022), Rs.4 lakhs to Dilbag Singh and Rs.4 lakhs to Daljit Singh alias Bittu on the asking of Sanjeev Kumar. Certain other facts had also been disclosed in the said statement.

Pursuant thereto, the Mehma Singh was arrested on 06.05.2022 and suffered his disclosure statement admitting his involvement in the commission of the offences.

Sanjiv Kumar was arrested on 26.06.2022 and got recovered a computerised stamp, stamp papers and rubber stamp signatures of different persons. He also disclosed the manner in which the offence was committed and stated that the agreement had been entered into with the complainant-Kulbir Singh Gabba for a sum of Rs.9 crores. He disclosed the names of the persons who had received various amounts from him from time to time including the petitioner who received a sum of Rs.21 lakhs.

Similarly, the accused Dilbag Singh was arrested on 29.06.2022 and suffered his disclosure statement reiterating the version of Sanjiv Kumar.

During investigation, efforts were made to arrest the remaining accused but they could not be arrested.

On conclusion of the investigation, the report under Section 173 Cr.P.C. was submitted against Sanjiv Kumar, Rahul @ Ramesh Sood (petitioner), Mehma Singh and Dilbag Singh.

Accused Amit Kumar submitted a representation before the SSP, District SAS Nagar leading to his innocence and on an inquiry being conducted, he was declared innocent on 11.02.2023.

Thereafter, accused Gurpreet Singh and Amarjeet Singh both were granted the concession of interim bail by this Court.

Accused Daljit Singh alias Bittu, Amit Kapoor, Gurpreet Singh and Amarjeet Singh could not be arrested and therefore, they were placed in Column No.2 of the report under Section 173 Cr.P.C. and the investigation qua them was pending. Subsequently Gurpreet Singh and Amarjit Singh have been granted the concession of interim anticipatory bail vide order dated 19.12.2022 passed in CRM-M-43832-2022 and CRM-M-48489-2022.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The complainant has used his political contacts and was harassing the petitioner. In fact, a civil dispute has been converted into a dispute of criminal nature. The petitioner has been in custody since 02.05.2022 and the challan already stands submitted. As none of the 10 prosecution witnesses have been examined so far, the Trial of the present case was not likely to be concluded anytime soon. The case is

otherwise triable by the Court of a Magistrate. Therefore, the further incarceration of the petitioner was not required.

4. A short reply dated 07.08.2023 by way of an affidavit of Harsimran Singh Bal, PPS, Deputy Superintendent of Police (City-II) District SAS Nagar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that a sum of Rs.21 lakhs had been received by the petitioner as was apparent from the investigation conducted so far. In addition, the petitioner was an accused in other cases bearing FIR No.179 dated 20.07.2021 under Sections 420, 465, 467, 468, 471 IPC, Section 13 Travel Act Police Station Model Town Hoshiarpur, FIR No.197 dated 12.08.2021 under Sections 420, 465, 467, 468, 471, 120-B IPC Police Station Model Town Hoshiarpur and FIR No.239 dated 06.10.2021 under Sections 420, 465, 467, 471 IPC Police Station Model Town Hoshiarpur. Therefore, his criminal antecedents did not entitle him to the concession of bail. He, however, concedes that the petitioner is in custody since 02.05.2022 and none of the 10 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties at length.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

*“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final*

*report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”*

7. Admittedly, the petitioner has been in custody since 02.05.2022. None of the 10 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded in the near future. One Mehma Singh co-accused of the petitioner has been granted the concession of regular bail by this Court vide order dated 27.10.2022 passed in CRM-M-30060-2022. Sanjiv Kumar has been granted the concession of regular bail vide order dated 10.01.2023 passed in CRM-M-49769-2022. Similarly, two co-accused of the petitioner namely, Gurpreet Singh and Amarjit Singh have been granted the concession of interim anticipatory bail by this Court vide order dated 19.12.2022 passed in CRM-M-43832-2022 and CRM-M-48489-2022.

8. In this view of the matter, the further incarceration of the petitioner is not required, moreso, when no serious apprehensions has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rahul @ Ramesh Sood son of Ramesh Kumar Sood is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)  
JUDGE

07.08.2023

JITESH

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