

CRM-M-26488 of 2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26488 of 2023
Date of Decision:25.05.2023.

Gambhir

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Karan Garg, Advocate
for the petitioner.

Mr. Surender Singh, Asst.A.G., Haryana.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short the Cr.P.C.) is for the grant of pre-arrest bail in case FIR No.287 dated 21.10.2021, under Sections 120-B, 419, 420, 467, 468, 471 of the Indian Penal Code, 1860, registered at Police Station Sushant Lok, District Gurugram.

2. On a complaint submitted by one Seema Sehgal, the present FIR was registered. The complainant is a 70 years old widow who was the owner of 50% share of Plot No.995 situated in Sushant Lok-1, Gurugram. The other 50% share was held by her husband-Girdhari Lal Sehgal. After the death of her husband in 2016, she became the sole owner of the plot on the basis of registered Will executed by her husband. In 2021, when her son Sumit Sehgal went to the plot, he found a board affixed on the plot mentioning that the property had been mortgaged

with one Piramal Capital & Housing Finance. On further inquiries, it came to her notice that the plot had been alienated by one Ajay Sehgal projecting himself to the son of the petitioner and Sh. Girdhari Lal Sehgal to the present petitioner for a sum of ₹4,00,00,000/- (approximately). Upon further inquiry it was found that some person had impersonated himself as Ajay Sehgal despite the fact that Ajay Sehgal was not the son of the complainant and her husband and they had only one son i.e., Sumit Sehgal. Since the petitioner was the person who had purchased the property and he was also nominated as an accused along with the said Ajay Sehgal.

3. Learned counsel for the petitioner has strenuously urged that the petitioner has been falsely implicated. It has been submitted that the petitioner is a *bona fide* purchaser of the plot for consideration and had taken a loan of ₹4,04,00,000/- from Piramal Capital & Housing Finance for purchasing this plot. It has been submitted that he had been cheated by his property dealer who had negotiated the deal for not only this plot but for another plot as well. Learned counsel has relied upon order dated 17.05.2023 passed by a Co-ordinate Bench in CRM-M-25068 of 2023, titled as Gambhir Vs. State of Haryana, wherein the petitioner has been directed to join investigation and a direction has also been issued that in case of arrest he would be released on interim bail. Learned counsel submits that under the circumstances, in the present case also, the petitioner is willing to join investigation and abide by any condition imposed by this Court.

4. On a query having been raised, learned Stated counsel has apprised the Court about two more FIRs registered against the present petitioner i.e., FIR No.0100 dated 21.04.2021, under Sections 120-B, 419, 420, 467, 468 and 471

109/2020, under Section 406, 409, 420, 467, 468, 471, 120-B IPC, registered at Police Station Economic Offences Wing, New Delhi.

5. I have considered the submissions made by learned counsel for the petitioner. It is indeed strange that the petitioner is involved in three cases of similar nature. In all cases, the allegation is that he purchased the property after obtaining a huge loan and that too from a person who was impersonating himself as the real owner. The *bona fides* of the petitioner are in serious dispute. In the considered opinion of this Court, custodial interrogation would be essential to elicit the truth. The order dated 17.05.2023, passed in CRM-M-25068 of 2023 would not come to the aid to the present petitioner in view of the glaring facts and circumstances, which probably were not brought to the notice of the Court in the said case.

In view of the aforementioned facts and circumstances, I do not find any merit in the present petition and the same is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

May 25th, 2023
Rekha

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