

CRM-M-26809-2023 (O&M)

2023:PHHC:111753
-1-

(216)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26809-2023 (O&M)
Date of Decision: 25.08.2023

GULSHAN RAI SATIJA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-26850-2023

PRATEEK SATIJA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Himmat Singh Sidhu, Advocate and
Ms. Rishu Bajaj, Advocate
for the petitioner.

Ms. Ramta K Choudhary, DAG, Punjab.

Mr. Akhil Ahuja, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

CRM-35917-2023 & CRM-35895-2023

The present application has been filed by the applicants-
petitioners for amendment of headnote as well as prayer clause of case
bearing No.CRM-M-26809-2023 to the effect that Sections 406, 420, 120-B
IPC read as “Section 406, 420, 120-B and added Sections 465, 467, 468, 471
and 201 IPC” in the head as well as in the prayer clause.

For the reasons mentioned in the application, the same is allowed and Sections 406, 420, 120-B IPC be read as “Section 406, 420, 120-B and added Sections 465, 467, 468, 471 and 201 IPC” in the head note as well as in the prayer clause.

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This order shall dispose of two petitions bearing No.CRM-M-26809-2023 titled as Gulshan Rai Satija Versus State of Punjab and CRM-M-26850-2023 titled as Prateek Satija Versus State of Punjab as the same are arising out of the same FIR.

2. The allegation in brief are that the complainants Jaideep Singh Ghai son of Onkar Ghai and Anil Gupta son of Harbans Lal along with the petitioners were the Directors and shareholders of a company by the name of Umesh Developers Private Limited Company. The Nagpal family who were owners of a piece of land had allegedly executed irrevocable consent letters for the sale of their land in favour of the company namely, Umesh Developers Private Limited. However, despite the irrevocable consent letters for sale in favour of Umesh Developers Private Limited, sale deeds were executed directly in favour of Shashi Satija by the Nagpal family. When the complainants agitated before the Investigating Agency about the sale deeds being executed in favour of Shashi Satija, the accused fabricated a resignation letter and other documents to show that in fact the complainants had resigned from Umesh Developers Private Limited. Amongst the letters fabricated was a letter purportedly sent by the complainants to MC Zirakpur stating that they had no objection for the commercial project being approved in the name of Satish Satija despite the fact that construction was on going

for residential apartments. In fact, criminal proceedings had been initiated by individual buyers of residential apartments against the Satija family on account of the fact that the Satija family had received money for construction and sale of residential apartments but had subsequently attempted to set up a commercial project.

3. The learned Senior counsel for the petitioners contends that the allegations as levelled in the FIR are absolutely baseless. Gulshan Rai Satija (petitioner in CRM-M-26809-2023) had purchased the property from the owners after verifying the change of title and had thereafter got passed the site-plan from MC Zirakpur. Prior to the registration of the instant FIR, the complainants had already approached various senior police officials and it was found during the course of various inquiries that the dispute between the parties was of a civil nature. As the case was triable by the Court of a Magistrate, investigation stood completed and the petitioners had been granted the concession of interim regular bail on the imposition of certain conditions which they had not missed, no useful purpose would be served by sending them back into custody and therefore, they were entitled to the concession of regular bail.

4. On the other hand, the learned State counsel contends that serious allegations including forgery of documents had been levelled against the petitioners and as such, they were not entitled to the concession of bail. She, however, concedes that after they were granted the concession of interim regular bail, they have not misused the said concession, the investigation stands completed but none of the 23 prosecution witnesses have been examined so far.

5. The learned counsel for the complainant vehemently contends that the petitioners are the main accused. In fact, it was Gulshan Satija (petitioner in CRM-M-26809-2023) and his son Prateek Satija (petitioner in CRM-M-26850-2023) who had fabricated all documents to oust the complainants from M/s Umesh Developers Private Limited. Cases had also been registered against Prateek Satija for having taken money from individual buyers of residential apartments but now, a commercial project was sought to be set up on the land in question. In view of the serious nature of the allegations against the petitioners which included cheating and forgery of documents, they were not entitled to the concession of regular bail.

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

7. 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.”

8. The claims and counter-claims of the parties shall be examined by the Trial Court at the appropriate stage. Both the petitioners were arrested and were granted interim regular bail during the pendency of this petition. There are no allegations that they misused the concession granted to them. Further, no serious apprehension has been expressed that the petitioners would tamper with the evidence, influence witnesses or abscond from the

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trial in case they are granted the concession of regular bail. Therefore, no useful purpose would be served by sending the petitioners back into custody. In this situation, the further incarceration of the petitioners is not required.

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitionerS 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 they are not involved in any other crime other than the present case.

11. If the petitioners or their family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

12. As FDRs in the sum of Rs.5,00,000/- each were ordered to be deposited with the Trial Court at the time when the interim bails had been granted, the said FDRs shall remain with the Trial Court and would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.08.2023

JITESH

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