

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Neutral Citation No. 2023:PHHC:135183
CRM-M-47012-2023 (O&M)
Reserved on: October 12, 2023
Date of Decision: October 17, 2023

Vinod

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Verma, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.
Mr. Rakesh Dhiman, Advocate for the applicant
in CRM-43629-2023.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., petitioner Vinod S/o Shri Dharamvir has prayed for grant of anticipatory bail in case FIR No.163 dated 14.06.2023 (Annexure P-1), under Sections 419, 420, 467, 468, 471, 472 and 120-B of IPC, registered at Police Station Bhondsi, District Gurugram.

2. By way of CRM-43629-2023, applicant Jitender, who is co-accused in the case, prays for impleading him as a party of the petition.

3. FIR was lodged on the complaint moved by Rajesh Devi on 10.04.2023 to the Commissioner of Police, Gurugram, as per which she along with Nainika Sharma had purchased land measuring 20 Kanals, 13 Marlas, 01 Sarsai from Jitender (applicant) S/o Bhagmal through Karam Chand for consideration of ₹3 crores. Karam Chand had introduced the complainant and her husband Rohtash to Jitender & Subhash in the

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office of Subhash. An amount of ₹4 lacs was paid to Jitender. On 24.03.2023, the sale deed was executed and two demand drafts of ₹1.5 crore each were given to Jitender and then the cash amount of ₹4 lacs, earlier paid as token money, was returned. After sometime, complainant suspected to have been defrauded, as she found the property purchased by her in Sohna in March, 2022 to be the result of fraud. She also came to know that a gang was operating, selling the property of Vasudha Realcon Pvt. Ltd. Company, by forging the documents and that said gang had already registered 2-3 fraudulent and fabricated sale deeds of Company - Vasudha Realcon Pvt. Ltd. Complainant contacted Jitender and asked him to produce the Board Resolution and the related documents, but he refused to do so. He was then asked to return the money but he failed to do so despite taking time. FIR was registered.

4. (i) As per status report, it was found, during investigation that in fact, Vasudha Realcon Pvt. Ltd. Company was the real owner of the land in question i.e. 20 kanals, 13 marla, 01 sarsai, situated in area of village Berka, Tehsil Sohna, District Gurugram. Vinod (petitioner) along with Karam Singh @ Pappu (now deceased) in connivance with each other fraudulently created a forged Board Resolution for execution of a sale deed dated 02.11.2020 by using the stamp of Vasudha Realcon Pvt. Ltd. Company and forged the signatures of Ram Lal Arya, Director of Vasudha Realcon Pvt. Ltd.

(ii) As per this forged Board Resolution, accused Ravi Joshi was authorized to execute the sale deed on behalf of the company. Petitioner-

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Vinod along with co-accused, in connivance with each other, used the forged Board Resolution for execution of the sale deed and fraudulently sold the land in dispute by getting registered sale deed bearing Vasika No.2507 dated 05.11.2020 in favour of accused Chanchal. On investigation, it was found that no transactions through cheques, as mentioned in the sale deed, had actually taken place.

(iii) It was further found that petitioner-Vinod along with other accused fraudulently sold the land further by getting registered sale deed bearing Vasika No.5411 dated 15.02.2021 in favour of accused Monika. Out of details of the cheque payments, as mentioned in the said sale deed, only one cheque for an amount of ₹20 lacs was found to be credited in the account of Chanchal.

(iv) Not only this, petitioner in connivance with other co-accused then fraudulently sold the land in dispute by getting registered sale deed bearing Vasika No.9369 dated 24.03.2022 in favour of complainant Rajesh Devi and Nainika Sharma and obtained ₹3 crores from them. The amount was found to be deposited in the account of Jitender Singh and later on, the said amount was distributed amongst themselves by Jitender and other accused. Petitioner was found to have received an amount of ₹23 lacs through this fraud.

(v) Status report also reveals that by the same modus operandi, petitioner is involved in yet another case, whereby he prepared forged GPA of 16 kanals of land, situated in village Behrampur, belonging to AARLAM Investment and Finance Ltd., in which petitioner-Vinod showed himself to be the GPA holder and then sold that land to Chanchal,

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regarding which FIR No.270 dated 04.08.2021 was registered at Police Station Sector 56, Gurugram, under Sections 420, 467, 468, 471 and 120-B of IPC.

5. It is submitted by learned counsel on behalf of the petitioner that said petitioner has not committed any offence and has been implicated so as to blackmail him. He is not required for any custodial interrogation. Still further, it is contended that though the date of giving the demand drafts of ₹3 crores to co-accused Jitender and registration of sale deed is 24.03.2022 but the FIR was lodged on 14.06.2023, i.e. after a delay of more than 01 year and 02 months; that there is no link between the petitioner and the complainant; and that petitioner is ready to join the investigation. Petitioner further submits that the only role attributed to him is to be a witness in the Registry executed in favour of Monika from Chanchal. Ld. Counsel further submits that the petitioner is neither the seller nor purchaser nor a beneficiary and so, in all these circumstances, he be allowed anticipatory bail.

6. Ld. Counsel appearing for applicant-Jitender submits that applicant-Jitender has been cheated by the co-accused and that he can provide necessary information leading to the discovery of forged documents in the name of accused Ravi Joshi, who himself is alleged to be the Manager of Vasudha Realcon Pvt. Ltd. Company and transferred the land in the name of Chanchal and cheated the applicant of his hard earned money. Prayer is made to implead him as a party.

7. Learned State counsel has opposed the bail petition by pointing out towards the role of the petitioner as detailed in the status

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report and submitted that entire truth will not come out without his custodial interrogation.

8. I have considered submissions of both the sides and have perused the record carefully.

9. As far as the prayer of applicant-Jitender to implead him as a party to this petition is concerned, the same cannot be accepted. His presence is not required by this Court, so as to dispose of the bail petition of Vinod. It appears that application is moved by applicant-Jitender, so as to save his own skin. In case, he wants to assist the Investigating Agency, nobody has not stopped him to do so. As such, his application i.e. CRM-43629-2023 is dismissed. He will be at liberty to avail other remedies available to him under the law.

10. Coming to the case of the petitioner-Vinod, his role as emerged during investigation is that he along with co-accused Karam Singh @ Pappu (now deceased) had fraudulently created the forged Board Resolution of Vasudha Realcon Pvt. Ltd. Company, which authorized one Ravi Joshi to execute the sale deed in respect of property of the said company and then, it is the petitioner Vinod, who as per investigation, on the basis of forged resolution, was instrumental in the execution of sale deed initially in favour of one Chanchal, then Monika and then complainant & Nainika Devi. Without the custodial interrogation of the petitioner, entire truth is not likely to come out. Petitioner is also involved in a similar case having being committed with the same modus operandi.

11. Having regard to all the facts and circumstances of the case as have been discussed above, but without commenting anything on the merits of the case, this court does not find it a fit case for granting the relief of pre-arrest bail.

Dismissed.

October 17, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No