

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

CRM-M-55467 of 2022(O&M)

Date of Decision: 10.02.2023

Dhanesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. P.S. Ahluwalia, Advocate
 For the petitioner.**

Ms. Harpreet Kaur, AAG Haryana.

KARAMJIT SINGH, J.

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.

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 counsel for the petitioner submits that the only allegations against the petitioner are that when co-accused Ashok Sharma while posing as Atul Mathur opened his bank account, the present petitioner wrongly introduced him to the bank authorities. The counsel for the petitioner further submits that the petitioner is in custody for the last about 04 months and is having no criminal history and after completion of investigation the police has presented the challan and during investigation no incriminating article was recovered from the possession of the petitioner and further the sale deed in question already stands cancelled. So, prayer is made that the petitioner be released on regular bail.

The present petition is contested by the State counsel who submits that the petitioner was part of the conspiracy which was hatched to usurp the property of Atul Mathur and Suniti Mathur who are permanently residing in USA. However, the State counsel has not disputed the fact that main accused Ashok Sharma, Shashi Sharma, Manoj Joshi and Dharminder Khatana are arrested by the police and that the only allegations against the petitioner are that he facilitated co-accused Ashok Sharma who impersonated himself as Atul Mathur, in getting opened the bank account under his fictitious name. That after completion of investigation challan stands presented in the Court concerned.

I have considered the submissions made by counsel for the

parties.

Admittedly, all the offences are triable by the Court of Judicial Magistrate Ist Class and in this case the petitioner was arrested on 10.10.2022 and during investigation no incriminating article was recovered from his possession. After completion of investigation, the challan has been presented by the police but trial is yet to commence. There is no allegation in the FIR that certain specific amount out of the entire fraudulent deal was pocketed by him. Further, it appears that the fraudulent sale deed has been cancelled vide order dated 17.06.2022 by the competent authority. All the disputed documents are already taken into its possession by the police. It will take considerable time for the trial to conclude. So, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.02.2023

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**