

CRM-M-60855-2023 (O&M)

-1-

101-3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60855-2023 (O&M)
Date of decision : 19.12.2023

Sanjay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Kartar Singh, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
for the respondent.

Mr. Amandeep Singh Rehal, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.13 dated 01.02.2023, under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station DLF Phase-II, District Gurugram.

2. Above FIR was registered by respondent No.2-Aruna Sharma with the allegations that petitioner in connivance with other co-accused has cheated her on the pretext of selling a Plot No.24 K DLF, Phase-II, Gurugram and misappropriated an amount of Rs.70,00,000/-.

3. Contends that petitioner has been falsely implicated in the present case and moreover, as per the allegation in the FIR itself, the amount

CRM-M-60855-2023 (O&M)

-2-

in question was paid to co-accused Narpinder Jeet Singh @ Gurpreet Singh; thus, the petitioner has no role for selling the plot in question. Further submits that in terms of the order dated 04.12.2023 passed by this Court, petitioner has already joined investigation; hence, he be granted the concession of pre-arrest bail.

4. *Per contra*, learned State counsel, while opposing the prayer, submits that petitioner was very much present at the time of executing of agreement to sell and an amount of Rs.27,00,000/- has been received by him along with co-accused-Dharampal from main accused-Narpinder Jeet Singh @ Gurpreet Singh. Also submitted that petitioner along with other co-accused have fabricated the revenue records; hence, his custodial interrogation is very much necessary to know the *modus operandi* adopted by all of them. Lastly submnitted that despite interim protection granted by this Court, petitioner is not co-operating with the Investigating Officer; rather, misusing the concession.

5. Learned counsel for the complainant also vehemently opposed the prayer while submitting that as a matter of fact, one Sanjokta Relan wife of Pran Nath Relan is the registered owner of the plot in question; hence, petitioner in connivance with co-accused have cheated the innocent lady while misappropriating an amount of Rs.70,00,000/-.

6. Heard learned counsel for the parties and perused the paper-book.

CRM-M-60855-2023 (O&M)

-3-

7. This court while granting interim protection to the petitioner on 04.12.2023 passed the following order:-

“Contends inter alia that the petitioner was neither named in the FIR; nor there is any other criminal case pending against him.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 06.12.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

To be heard along with CRM-M-28553-2023.”

8. It is discernible from police file that an amount of Rs.70,00,000/- was received by the main accused-Narpinder Jeet Singh @ Gurpreet Singh and he is stated to be in custody. During investigation, sufficient material has been collected by the police to the effect that present petitioner along with aforesaid Narpinder Jeet Singh @ Gurpreet Singh fabricated the records pertaining to the plot in question in connivance with the officials from Sub-Registrar, Gurugram. Police file also indicates that an amount of Rs.27,00,000/- was received by the petitioner along with co-accused-Dharampal from main accused-Narpinder Jeet Singh @ Gurpreet Singh.

9. Apart that, it is quite evident that as on today one Sanjokta Relan wife of Pran Nath Relan is the registered owner of plot in question.

CRM-M-60855-2023 (O&M)

-4-

10. Above all, despite interim protection granted to the petitioner, he is not co-operating with the Investigating Officer; hence, misusing the concession granted by this Court.
11. In view of the facts and circumstances discussed herein-above, custodial interrogation would be very much necessary to know the *modus operandi* adopted by the petitioner along with other co-accused.
12. As a result thereof, there is no option except to dismiss the petition.
13. Ordered accordingly.
14. Needless to say that interim protection granted to the petitioner vide order dated 04.12.2023; extended subsequently, shall come to an end automatically.
15. Also clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.
16. Pending application(s), if any, shall also stand disposed off.

19.12.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No