

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2458-2024

Reserved on: 30.01.2024

Pronounced on: 01.02.2024

2024: PHHC: 013863

CHANCHAL

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. S.K.Garg Narwana, Sr. Advocate, with
Mr. Nitin Sachdeva and Mr. Mukul Ahuja, Advocates,
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Rakesh Dhiman, Advocate, for co-accused-Jitender.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC,
petitioner prays for her release on regular bail in case FIR No.163 dated
14.06.2023 registered under Sections 419/420/467/468/471/472/120B IPC
at Police Station Bhondsi, District Gurugram.

2. Status report dated 26.01.2024 by way of affidavit of
Abhimanyu, HPS, Assistant Commissioner of Police, EOW I and II,
Gurugram, on behalf of respondent/State has been filed.

3.1 FIR was lodged on the complaint of Rajesh Devi alleging
that she along with Nainika Sharma had purchased land measuring 20
kanal 13 marla 1 sarsai from Jitender son of Bhagmal through Karam
Chand for consideration of ₹3 crore. She (complainant) and her husband
were introduced by Karam Chand to vender Jitender; and Subhash. Two
demand drafts of ₹1.5 crore each were given to the vendor Jitender and

the token money of ₹4 lakh, earlier paid, was returned. Sale deed No.9369 dated 24.03.2022 was executed. Later on, complainant came to know that she had been defrauded, inasmuch as she had earlier purchased a property in Sohna in 2022, which was found to be fraud. She also came to know that a gang was operating to sell the property of Vasudha Realcon Pvt. Ltd. by forging the documents, which gang had already got registered 2-3 forged and fabricated sale deeds of Vasudha Realcon Pvt. Ltd. They contacted Jitender and informed him in this regard and asked him to produce the Board resolution and the related documents. He refused to do so. He even refused to return the money despite taking time and rather, got registered a false case against the complainant under Section 506 IPC.

3.2 Investigation was conducted, which revealed that a board resolution dated 02.11.2020 with regard to land in dispute belonging to Vasudha Realcon Pvt. Ltd., had been purportedly issued by Director Ram Lal Arya in favour of co-accused Ravi Joshi. However, when said Ram Lal Arya was joined in the investigation, he disclosed that he had resigned way back on 25.02.2019 and had not signed any resolution and that the resolution shown to him was a forged document. Vaibhav Lodha and Rohit Modi, the real owners of the land were also joined in the investigation, who also stated that they had not authorised anybody to sell their land and that Ravi Joshi had fraudulently sold the same.

3.3 It was further found that petitioner-Chanchal along with co-accused Vinod and Karam Chand had created a fake board resolution in favour of one Ravi Joshi, so as to sell the land of Vasudha Realcon Pvt. Ltd.. Based on that resolution, Ravi Joshi sold the land to petitioner-Chanchal vide vasika No.2507 dated 05.11.2020, though no real

transaction had taken place. Petitioner-Chanchal then sold the land to one Monika wife of Jitender vide vasika No.5411 dated 15.02.2021. An amount of ₹20 lakh was credited in the account of petitioner-Chanchal. Monika transferred the land in favour of her husband Jitender, who then sold it to complainant Rajesh Devi and Nainika Sharma for an amount of ₹3 crore vide sale deed No.9369 dated 24.03.2022. Two demand drafts of ₹1.5 crore each were received by Jitender. The said amount was found to have been distributed amongst all the co-accused. Petitioner was arrested on 25.11.2023 and an amount of ₹37 lakh was found to be received by her.

4. It is contended by ld. Senior counsel that a bare perusal of FIR would reveal that entire dealing of the complainant to purchase the land in dispute was with Jitender or Subhash. Neither any agreement nor any sale deed was executed by the petitioner in favour of the complainant or Nainika Sharma and that not even a single penny was received by her. Ld. counsel further contends that even otherwise, dispute between the complainant & Nainika Sharma; and Jitender/Subhash has already been settled by way of written compromise-cum-memorandum of settlement dated 19.09.2023 and based thereon quashing petition bearing CRM-M-55560-2023 has already been filed, in which this Court has directed the parties to appear before the trial Court for getting their statements recorded regarding the compromise and the next date of hearing in that case is 31.01.2024 as per Annexure P3. Ld. Sr. counsel contends further that entire dispute is of civil nature, which has been given criminal colour. Petitioner is in custody for the last more than 2 months;

that offence in question is triable by Magistrate and so, in all these circumstances, she be granted bail.

5. Ld. State counsel has opposed the bail petition by submitting that petitioner was very much part of the conspiracy along with co-accused and gained an amount of ₹37 lakh by way of fraud. Attention is further drawn towards criminal antecedents of the petitioner, as she is involved in one more case of similar nature, in which offence was committed with the same modus operandi and 16 kanal of land situated in village Behrampur of Aarlam Investment and Finance Ltd. was sold on the basis of a forged GPA.

6. Sh. Rakesh Dhiman, Advocate, appearing on behalf of Jitender-co-accused also opposed the bail petition by submitting that payment made by him to petitioner-Chanchal has not been returned.

7. I have considered submissions of both the sides and appraised the record.

8. Perusal of Annexure P2 would reveal that a memorandum of settlement was executed on 19.09.2023 between complainant Rajesh Devi & Nainika Sharma on one hand and co-accused Subhash, Jitender, Monika and Karam Chand on the other hand. Based upon that settlement, CRM-M-55560-2023 has already been filed by co-accused Subhash and others to quash the FIR in question. Vide order dated 06.11.2023 (Annexure P3), this Court had asked the parties to appear before the trial Court concerned for getting their statements recorded regarding the compromise. Besides, petitioner is in custody for the last more than 2 months. Case is triable by Magistrate.

9. Having regard to all the abovesaid facts and circumstances, but without commenting on the merits of the case, this Court is of the view that no purpose will be served by keeping the petitioner detained. As such, petition is allowed. Petitioner is admitted to regular bail on her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

01.02.2024
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |