

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2890-2024 (O&M)
Date of Decision:- 23.2.2024

Satish Gorge @ Satish George ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjay Kaushal, Senior Advocate with
Ms. Ojaswini Gagneja and Ms. Pawelpreet Kaur, Advocates
for the petitioner.

Mr. R.S. Chauhan, AAG Haryana
assisted by Inspector Vijay.

FIR NO.	DATE	POLICE STATION	OFFENCES
364	7.10.2022	Civil Lines Bhiwani, District Bhiwani	Sections 201, 420, 467, 468, 471/120-B IPC and Sections 7, 8 and 13 of the Prevention of Corruption Act, 1988

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case arising out of above mentioned FIR.
2. The allegations, in nutshell, are that on 1.9.2022 Shri Sumit Nath Attorney/Legal Representative of Baptist Missionary Society Corporation, India (in short hereinafter referred to as ‘the BMSC’) made a complaint to the Superintendent of Police, Bhiwani alleging therein that one Satish George and his accomplices, in connivance with government officials, had hatched a criminal conspiracy to dispose of properties owned by the BMSC

including a plot measuring 20 kanals 11 marlas situated at Hansi Gate, Bhiwani on the basis of forged and fabricated documents, in favour of Jaljeet Malik and Rajesh Kumar.

3. Pursuant to receipt of the aforesaid complaint, the matter was inquired into by the Additional Superintendent of Police, Bhiwani and the allegations, as levelled by the complainant, were *prima facie* found to be correct and accordingly the FIR in question i.e. FIR No. 364 dated 7.10.2022, Police Station Civil Lines, Bhiwani came to be lodged against more than 9 accused namely Satish George, Jaljeet Malik, Rajesh, Liyakat Khan, Rohit Phogat, Sajjan Verma, Deed Writer, Ombir Lambardar, Vikas Registry Clerk and Ravinder Malik Tehsildar and others.
4. During the course of investigation, resolution dated 17.3.2022 as well as letter dated 17.3.2022 and also letter dated 1.10.2022 vide which Satish George was shown to have been appointed as President of the BMSC were got verified and it was found that the address of the parties as well as the official address of the Society were false and that all these documents were forged and fabricated documents. It was on the basis of the said forged and fabricated documents that a sale deed in respect of the property in question was purportedly executed and was said to be got registered in a fraudulent manner. It is further the case of prosecution that although the property is worth more than Rs. 50 crores but was sought to be sold for Rs.1,72,01,625/-. It was further found that while as per the said sale deed dated 5.9.2022, an amount of Rs. 1,72,01,625/- was paid to the Society but as per the complainant, not even a single penny had been credited into the account of the Society and nor any other document was found indicating payment of such amount.

5. Learned counsel for the petitioner submits that the petitioner has been made scapegoat in the instant case and that even if all the allegations are taken to be correct, the petitioner cannot be said to be a beneficiary in any manner. It has further been submitted that since the alleged beneficiary namely Jaljeet Malik in whose favour the sale deed of the property of the complainant-Society was executed has already been granted the concession of bail, the petitioner also deserves the same concession on grounds of parity.
6. Opposing the petition, the learned State counsel submitted that it is a case where the entire fraud came to be perpetuated due to the active connivance of the petitioner and that his complicity is clearly evident. It has been submitted that having regard to the colossal extent of fraud committed upon a missionary society, the petitioner does not deserve the concession of bail. It has, however, been informed that the petitioner has been behind bars for barely 3 months and that trial qua the petitioner is yet to commence. It has also been informed that the petitioner happens to be involved in two other cases i.e. FIR No. 95/2018 under Sections 420, 467, 471, 468/34 IPC, Police Station Mandleshwar, Khargone (West Nimar) and FIR No. 717/2021 under Sections 193, 420, 406, 409, 467, 468, 471/120-B IPC, Police Station Kotwali Dhar, Dhar.
7. This Court has considered rival submissions addressed before this Court.
8. While it is correct that the sale deed in question in respect of the property fraudulently sold is not in favour of the petitioner but the said fraudulent sale deed could not have been effected without the active connivance of the petitioner who while projecting himself as President of the Baptist Missionary Society Corporation, India had sold off property worth Rs. 50

crores for a meager Rs. 1.72 crores approximately. The antecedents of the petitioner also work to the disadvantage of the petitioner inasmuch as he stands involved in two other cases of cheating and forgery. While one of the said case was registered in 2018, another was registered in 2021 which would suggest that the petitioner is incorrigible. The petitioner has been behind bars for just about three months. In these circumstances, this Court does not find any ground to release the petitioner on bail at this stage. The petitioner would, however, be at liberty to apply afresh after six months in case there is no substantial progress in the proceedings of the trial.

9. The petition stands dismissed in the above mentioned terms.

23.2.2024

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No