



alleged and thus, there was no question of the petitioner playing any fraud upon him by showing any forged or fabricated documents. It has been further submitted that the investigation in the present case is complete as challan stands presented and even charges framed, however, there is no possibility of the trial concluding anytime in the near future as the prosecution evidence has not yet commenced. Learned counsel still further submits that the entire case of the prosecution hinges on documentary evidence, which is already in the custody of the prosecution, hence, there can be no apprehension of the petitioner tampering with any evidence. It has also been submitted by the petitioner that he has no criminal antecedents.

3. Per contra, learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite and submitted that the malafides on the part of the petitioner were clearly discernable as he had every intention to cheat the complainant from the very beginning by making false assertions in the agreement to sell with respect to he being the owner of the land in question. However, learned State counsel, on instructions, has not disputed that the investigation in the case in hand is complete coupled with the fact that the petitioner is not involved in any other criminal case. Learned State counsel, on instructions, has also not disputed the stage of the trial.

4. I have heard learned counsel for the parties and perused



CRM-M-12035-2024

-3-

the material placed on record.

5. As per the case of prosecution, the complainant entered into agreement to sell with the petitioner with respect to plot No.364 in Block M, situated at Sector 20 in Yamuna Expressway Industrial Development Area, Greater Noida, Gautam Budh Nagar, UP on 01.06.2023. As per the agreement, the petitioner agreed to sell it to the complainant for a total sum of Rs.23,50,000/-. Subsequently, the complainant gave Rs.8,50,000/- (Rs.3,50,000/- in cash and Rs.5,00,000/- vide cheque No.000572 dated 01.06.2023) to the petitioner on 01.06.2023 as earnest money for the plot. The full payment was thereafter made by the complainant to the petitioner by 30.09.2023. However, subsequently, the complainant discovered that the plot was not solely owned by the petitioner but he only had 50% share as the remaining 50% was in his sister's name. As not disputed by the State counsel, the investigation in the case at hand is complete and in a case triable by the Magistrate, the petitioner has now been in custody since 16.01.2024. Hence, there is no likelihood of the trial concluding in the near future as none of the prosecution witnesses has been examined. The case at hand hinges on documentary evidence and thus, there can be no apprehension of the petitioner tampering with the evidence.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be



CRM-M-12035-2024

-4-

admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No