2024:PHHC:064991

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12772-2024
Date of Decision: May 09, 2024

Ravi Joshi **…Petitioner**

Versus

State of Haryana **…Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

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

DEEPAK GUPTA, J.(Oral)

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

2. Status report dated 18.04.2024 by way of affidavit of Abhimanyu, HPS, Assistant Commissioner of Police, EOW I and II, Gurugram, on behalf of respondent/State has been filed through Registry.

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 vendor 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

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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 Ravi Joshi (petitioner). 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 petitioner - Ravi Joshi had fraudulently sold the same.

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

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had taken place. 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 said 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 06.09.2023 and an amount of ₹10 lakhs have been found to be received by him. PAN Card and Aadhar Card used in the fake registry were also recovered at the instance of the petitioner. After completion of investigation, challan has already been submitted and the case is now pending before learned Judicial Magistrate 1st Class, Sohna.

4. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that the only allegation against him is that he appeared as authorised person on behalf of M/s Vasudha Real Corn Private Limited before Sub Registrar, Sohna; that petitioner has no role to play in the conspiracy. Learned counsel for the petitioner has drawn attention towards Annexure P-2, so as to contend that co-accused Chanchal has already been allowed bail by this Court vide order dated 01.02.2024 passed in CRM-M-2458-2024.

4.1 Learned counsel for the petitioner has also placed on record the copy of the order dated 20.03.2024 passed by this Court in CRM-M-55560-2023 (O&M), so as to contend that FIR in question has already been quashed qua co-accused Subhash Badana @ Subhash Chand and others on account of the

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compromise having been effected between those petitioners and the complainant.

5. Learned State counsel has opposed the bail petition by submitting that petitioner was very much part to the conspiracy to commit the crime.

6. Co-accused – Chanchal has already been allowed bail by this Court vide Annexure P-2. Matter has since been compromised between one of the main accused – SubhashBadana @ Subhash Chand on one side and the complainant of the case, namely Rajesh Devi & Nanika on other side and pursuant thereto, FIR qua co-accused has already been quashed vide order dated 20.03.2024 passed in CRM-M-55560-2023. Petitioner is in custody since 06.09.2023. As per the status report, petitioner has no other criminal case pending against him. The offences in question are triable by the Magistrate. The trial may take long time to conclude. No purpose shall be served by keeping the petitioner detained.

7. 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 his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

May 09, 2024 **(DEEPAK GUPTA)**
sarita **JUDGE**

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

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