

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-20469-2024**

**Date of Decision:-01.05.2024**

**Nanak Chand.**

.....Petitioner.

Vs.

**State of Haryana.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. B.S. Tewatia, Advocate for the Petitioner.

Mr. Ravish Kaushik, Additional Advocate General,  
Haryana.

\*\*\*

**JASJIT SINGH BEDI, J.(ORAL)**

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.600 dated 19.09.2023 under Sections 406, 420, 506, 120-B IPC registered at Police Station City Ballabhgarh, Faridabad, Haryana.

2. The present FIR came to be registered on the complaint of one Parveen Kumar who alleged that in the month of January 2023 the accused namely Subhash, Devender and Bijender met him and informed him that they were having a land measuring 10 Kanal 2.6 Marlas for sale and its owner was willing to sell the same for a total sale consideration of Rs.30 lacs. After discussions with his (complainant's) father he agreed to buy the same. On 02.03.2023 the aforementioned accused along with Nanak Chand (petitioner) showed the mutations dated 13.07.2020, 24.02.2022 and 25.05.2022 bearing Khewat No.683, land measuring 10 Kanal 2.6 Marla to prove the ownership and entered into the agreement to sell for a total sale consideration of Rs.30 lacs out of which he (complainant) had paid Rs.12 lacs in cash. The target date for execution of the sale deed was 2.6.2023. As he had sufficient funds, he approached the accused persons for execution of

the sale deed but they delayed the matter stating that the wife of Nanak Chand (petitioner) was not agreeing to execute the sale deed. On inquiry it transpired that infact Nanak Chand was not the owner of the land and he in collusion with the officials of the revenue department had prepared forged documents to grab his money. He also came to know that the wife of Nanak Chand and another had earlier filed a civil suit in respect of the above said land which had been dismissed by the courts at Faridabad and an appeal met the similar fate. Thus, the accused had cheated him (complainant).

During the investigation, the documents were collected and it came to light that the land in question had earlier been sold in the year 1979 by Sukhdei and her brothers. The sale deeds had been challenged by the wife of the petitioner and the said suit had been dismissed by the Civil Judge, Faridabad on 25.07.2016. Therefore, she had never been declared to be the owner of the disputed land and the revenue records shown by the petitioner were forged and fabricated. After the dismissal of the said suit the wife of the petitioner had preferred an appeal bearing no.116 of 2016 and the said appeal had also been dismissed by Additional District Judge, Faridabad vide order dated 28.11.2016. An RSA was preferred before this Court and the same came to be dismissed vide order dated 21.08.2018 (Annexure R-1).

The Complainant had approached the petitioner for a refund but the same had been refused. It had also been revealed that the petitioner had earlier entered into an agreement with two other persons in respect of the said land and had grabbed their money as well.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He along with his wife had been residing in Delhi for long and the land was being cultivated by others. The cultivators had stopped paying him any lease amount. Some other villagers had approached him (petitioner) to purchase his land. However, the petitioner had stated that he did not have the possession of the land. Upon this Subhash and the other co-accused had told him that they would get possession themselves. Though the agreement to sell had been entered into, it was the complainant who had not made the remaining payment of Rs.2 lacs because of which the sale deed could not be executed. In fact, the agreement was extended for a further 06 months till 02.12.2023. He therefore contends that as it was a dispute of a civil nature he was entitled to the concession of bail as he had been in custody since 11.12.2023 but none

of the 11 Pws had been examined so far thereby delaying the conclusion of the Trial.

4. The Counsel for the State contends that the petitioner had cheated the complainant of a huge amount of money. The land in question was never in his ownership and possession and the question of entering into agreement to sell with the complainant did not arise. As the offence was *prima facie* established the petitioner was not entitled to the concession of bail. He however concedes that the petitioner is in custody since 11.12.2023 and that none of the 11 Pws had been examined so far.

5. I have heard learned Counsel for the parties.

6. This Court in the case titled as **Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab** bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

*“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”*

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 11.12.2023 and none of the 11 Pws had been examined so far. Therefore, the Trial in the present case is not likely to be concluded soon. Further nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Nanak Chand son of Sh. Mangat Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
11. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

May 01, 2024  
Vinay

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |