



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-21781-2024

Date of Decision.:25.07.2024

Sanjeev Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Duhan, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.103 dated 04.05.2023 under Sections 406, 420, 467, 468, 471 of the IPC, 1860 (Section 120-B of the IPC added subsequently) registered at Police Station City Pehowa, Kurukshetra, District Kurukshetra.

2. It is his second petition. Earlier petition was dismissed as withdrawn on 08.11.2023, when this Court was not inclined to grant benefit of bail to petitioner. Learned counsel contends that after dismissal of earlier petition, the statement of complainant Rajinder Kumar has since been recorded.

3. It is contended by learned counsel that petitioner is a property dealer. Krishan Kumar along with his wife had approached him to get the land in the name of his mother Shimla to be sold. The bargain was struck

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with complainant Rajinder Kumar and that complainant gave a cheque of ₹42,00,000/- in the name of owner Shimla Devi.

4. Later on, it emerged that the agreement was not executed by Shimla Devi and rather in her place by an imposter Maya Devi.

5. Learned counsel contends that since it is Krishan Kumar who had come along with his wife, he was not aware that the lady being produced before him was not Shimla Devi. It is also contended that it is Krishan Kumar, who projected the lady produced at the time of execution of agreement to sell, as his mother Shimla Devi. Learned counsel further contends that the amount of ₹42 Lacs was given by the complainant through a cheque and the said cheque was deposited in the joint account of Krishan Kumar and Shimla Devi and it is Krishan Kumar, who had withdrawn this amount. It is also contended that an amount of ₹95,000/- was received by the petitioner only as a commission and not being a part of conspiracy so as to cheat the complainant. It is further contended that petitioner is in custody for the last more than one year and that there is no other criminal case pending against him; that trial may take time to conclude and so, he be allowed bail.

6. Learned State counsel has opposed the bail petition by submitting that an amount of ₹95,000/- out of the cheated amount had come to the share of the petitioner.

7. The custody certificate placed on record by learned State counsel would reveal that petitioner is in custody for the last 01 year and 05 days. He has no other criminal case pending against him. It is conceded by State counsel that amount of ₹42,00,000/- was withdrawn by co-accused



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Krishan Kumar and not by the petitioner.

8. Having regard to all the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

July 25, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No