IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-25068-2023
Reserved on: 09.01.2024
Pronounced on: 12.01.2024
2024: PHHC:003910

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Gambhir

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Raghav Gulati, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Nitin Thatai, Advocate, for
Ms. Monika Thatai, Advocate,
for the complainant-PNB Housing Finance Ltd.

Mr. Tushar Sharma, Advocate,
for the complainant-Ranvir Singh Yadav.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.100 dated 21.04.2021 registered under Sections 120B/419/420/467/468/471 IPC at Police Station Sushant Lok, District Gurgaon.

2. On 17.05.2023, following order was passed by this Court: -

"Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0100, dated 21.04.2021, registered at Police Station Sushant Lok, District Gurgaon, under Sections 120-B, 419, 420, 467, 468 and 471 of IPC.

As per FIR, one Raj Kumari Yadav was the owner of residential plot in Sushant Lok, Gurugram. She died intestate on 13.11.2016 and the plot was inherited by her husband and two children. It is alleged that *petitioner got executed sale deed No.7281, dated 26.07.2019 from a lady, who impersonated as Raj Kumari Yadav, who was identified by S.C. Arora and R.K. Gupta.*

It is contended by learned counsel that petitioner being the vendee of the sale deed, is in fact victim of crime inasmuch as he paid an amount of ₹3,22,50,000/- though bank transaction for purchasing the plot as is evident from sale deed (Annexure P-3). Attention is further drawn towards the contents of the sale deed revealing that approximately 70,00,000/- were paid by the petitioner through his bank account, whereas rest of the amount was taken by the petitioner on loan and same was paid through Punjab National Bank as per details given in the sale deed. It is contended that in case the petitioner was aware that the purported vendor was a fake lady, petitioner would not have parted with such a huge amount of more than ₹3.22 crore and paid the stamp duty of ₹22,57,500/-.

Notice of motion.

Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 02.08.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C."

3. It was later informed by the State counsel on 02.08.2023 that though petitioner had joined the investigation in compliance of the order dated 17.05.2023 but had not cooperated in the same.

4. Status report was filed and thereafter, following order was passed by this Court on 02.11.2023: -

"As per status report filed on behalf of respondent-State, petitioner purchased the plot in question for an amount of ₹3,22,50,000/- and was found to have availed loan of ₹2,49,16,870/- from AU Small Finance Bank. However, it was found that the amount of loan was credited in the account of fake Raj Kumari Yadav, from whom the petitioner purchased the plot, but later on, the amount of ₹1,14,58,250/- was got transferred by the petitioner in the account of his firm, i.e. Shri Ganesh Trading Company. Not only this, it has also come forth that fake Raj Kumari Yadav transferred the amount of ₹1,36,90,000/- in the account of one fake Ajay Sehgal and petitioner purchased a plot from said fake Ajay Sehgal for ₹4,00,000,00/- on 26.06.2019, for which he availed home loan of ₹3,96,000,00/- from Piramal Capital and Housing Finance, for which another FIR was registered.

Although, as per status report, the loan amount taken from AU Small Finance Bank was credited in the account of fake Raj Kumari Yadav, but report is silent as to who is the actual account holder. It is not mentioned as to whether necessary documents, submitted to the bank at the time of opening the account, have been collected from the bank or not.

Learned State counsel seeks time to provide necessary information in this regard.

Learned counsel for the petitioner also seeks time to place on record the bank transactions as referred in the status report.

Adjourned to 09.01.2024.

Interim order to continue."

5. In compliance of the aforesaid order dated 02.11.2023, supplementary status report has been filed, as per which Bank account was opened in the name of fake Raj Kumari Yadav on 27.06.2019, on the basis of documents Annexures R1 to R3.

6. Contention of ld. counsel for the petitioner is that petitioner is in fact the victim, who had paid an amount of ₹70 lakh from his own account to obtain loan from the bank and that he purchased the property

without knowing that some fake Raj Kumari Yadav was executing the sale deed.

7. On the other hand, ld. State counsel along with counsel for the complainant as well as counsel appearing on behalf of the PNB Housing Finance Bank Ltd., submitted that it is the petitioner, who is the king pin of the entire racket. Ld. State counsel has drawn attention towards the fact that after purchasing the plot for an amount of ₹3,22,50,000/-, petitioner availed loan of ₹2,49,16,870 from AU Small Finance Bank. The amount was credited in the account of fake Raj Kumari Yadav from whom petitioner purchased the plot, but later on amount of ₹1,14,58,250/- was got transferred by the petitioner in the account of his own firm-Shri Ganesh Trading Company. Not only this, fake Raj Kumari Yadav transferred the amount of ₹1,36,90,000/- in the account of fake Ajay Sehgal and from said fake Ajay Sehgal, petitioner purchased a plot for an amount of ₹4 crore on 26.06.2019 by availing home loan of ₹3,96,00,000/- from Piramal Capital and Housing Finance, for which another FIR was registered.

8. Having regard to all the above facts and circumstances as have come out in the investigation, the custodial interrogation of the petitioner will be utmost necessary to unearth the entire truth. Petitioner appears to be the king pin, who can tell the details to the investigators about fake Raj Kumari Yadav and fake Ajay Sehgal, as has been rightly contended by ld. State counsel.

9. In view of the above, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner. As such, the present petition is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

12.01.2024
Vivek

1. Whether speaking/reasoned? ***Yes****/No*
2. Whether reportable? *Yes/No*