



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236

CRM-M-29479-2024
Date of decision: July 29th, 2024

Balmat

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rishav Jain, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.31 dated 02.02.2023 under Sections 120-B/406/419/420/465/467/468/471 of the IPC registered at Police Station Hassanpur, District Palwal.

2. Mr. Yoginder Singh Rana, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

3. Learned counsel for the petitioner submits that the petitioner has been in custody since 20.03.2024 in a magisterial trial, which rests on documentary evidence. The only role attributed to the petitioner is of witnessing a sale deed executed by co-accused Shyamwati, who in turn had impersonated one Kishmish. Learned counsel submits that only Rs.3 lakh had come into his bank account, which he was willing to return to the complainant. Learned counsel has further submitted that since the investigation in the present

case is complete as challan stands presented, the petitioner's further incarceration would serve no useful purpose as the trial would take considerable time to conclude, more so when 17 witnesses have been cited by the prosecution.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, has not disputed that the case at hand rests on documentary evidence, which is now part of the challan, and which already stands presented before the trial Court. However, it has been reiterated that there are serious allegations levelled in the FIR from which it is discernible that the petitioner had connived with co-accused Shyamwati, who is none other than his wife.

5. On a pointed query, learned State counsel, on instructions from ASI Sube Singh, has submitted that the petitioner is not involved in any other criminal case much less a case of similar nature. The allegations levelled in the FIR in question are reproduced hereinunder:-

"To SP, Palwal. Sub: Application for fraudulently executing sale deed. Sir, It is requested that I Mangal Singh S/O Sh. Shivcharan S/O Sh. Horilal R/O Bass Mohalla Palwal. That on dated 03.09.2022, I have entered into an agreement to sell with Bhupender S/O Sh. Girraj Singh R/O Bhadauli and Rishika W/O Bhupender R/O Bhandoli comprised of land measuring 21 Kanal 1 marla situated at Likhi Tehsil Hassanpur District Palwal in lieu of Rs. 42,50,000/-. I have given advance payment of Rs. 9,70,000/- (Nine Lakh Seventy Thousand) (cash amount of Rs.3,00,000/- and an amount of Rs. 6,70,000/- through cheque No. 000099 Dated 03.09.2022 of HDFC Bank, Agra Chowk Palwal Branch) to the seller. It was decided that remaining amount will be given at the time of registration of sale deed on 03.10.2022. But seller did not come for the registration on the decided date. But on

dated 03.10.2022, I have got marked my presence at Sr. No. 46 dated 03.10.2022 of the public notary through attested affidavit. Thereafter, when I contacted with Sh. Bhupender and his wife Rishika, they asked me to extend the date and gave me a new agreement to sell, wherein date of registration of sale deed was extended for 2 months. Thereafter I again reached on the decided time, above said Bhupender and Rishika said to me that Id. Court has passed stay order with regard to the above said land. Therefore, he may get registered the sale deed of the land of Kishmish W/O Sher Singh R/O Village Mujesar (disclosed as relatives of Bhupender and Rishika). Thereafter, under a grave conspiracy, I got met with Sh. Vishnu Kumar Advocate R/O Hassanpur and Sh. Devender Kumar Nambardar S/O Sh. Omparkash R/O Hassanpur and said that the land of the above said Kishmish free from all types of encumbrances, dispute, therefore land will be sold you instead of Rishika. Vishnu Kumar Advocate said that your amount is also detained in this, therefore he will talk with Tehsildar and will get registered their sale deed and received an amount of Rs. 5,30,000/- on the pretext of expenditures of sale deed. Thereafter on dated 22.12.2022, under a grave conspiracy one sale deed No. 1082 comprised of land measuring 17 Kanal 3.25 Marla situated at village Likhi Sub tehsil Hassanpur have been got registered in my favour by Smt. Kishmish W/O Sher Singh S/O Amar Singh S/O Narayan Singh R/O Village Mujesar District Faridabad. Thereafter I came to know that false sale deed has been got registered in my favour. Kishmish (Adhaar 7919 5801 5592) in comitance with Rishika, Bhupender, Vishnu Kumar Advocate, Devender Kumar Namabardar and Balmat got clicked the photo of Shyamwati W/O Balmat R/O Likhi on computer at the time of registration of sale deed, who is grandmother of Rishika in relation and got executed a false and fabricated sale deed by placing her thumb impression as well as got opened two fake account i.e., account No. 073401510065 of ICICI Bank and

account No. 920010051325286 of Axis bank on the name of Kishmish and has got transferred the amount in the said accounts from me. The details thereof is mentioned in the sale deed. Now the above said amount has been got transferred from the fake account by Bhupender in his account of axis bank Branch Rasulpur Chowk Palwal and in the accounts of Rishika and Balwant. In this way, all the accused Bhupender S/O Sh. Girraj Singh, Rishika W/O Bhupender, Vishnu Kumar Advocate, Devender Kumar, Nambardar, Balmat S/O Sh. Amar Singh and Shyamwati W/O Balmat has got registered the fabricated sale deed under a grave conspiracy. It is therefore requested that strict legal action may kindly be taken against all the accused and my amount may kindly be returned to me. I shall be thankful to you.”

6. I have heard learned counsel for the parties and perused the material placed on record.

7. As not disputed, the investigation in the present case is complete. The only role attributed to the petitioner is of signing the sale deed, which was prepared by co-accused Shyamwati, who had in turn impersonated one Kishmish, owner of the property in question.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

July 29th, 2024

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No