



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

CRM-M No.30444 of 2024
Date of decision: 22nd August, 2024

Banwari

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Hooda, Advocate for the petitioner.

Mr. Karan Garg, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.334 dated 11.11.2022 under Sections 120-B, 418, 419, 420, 457, 468, 471 IPC (Section 201 IPC added later on) registered at Police Station Mundkati, District Palwal.

2. Learned counsel for the petitioner submits that his false implication in the present case is evident from the fact that while stepping into the witness box, the complainant had not supported the case of the prosecution as a result of which he was declared hostile. It has also been submitted that identically placed co-accused had since been extended the concession of bail by this Court and the trial Court, on account of the complainant not supporting the case during trial and being declared hostile. In support, learned counsel has drawn the



attention of this Court to Annexure P-3, which is an order granting the concession of bail to co-accused Braham Singh. Learned counsel has submitted that in the aforementioned facts and circumstances, since the petitioner has now been in custody since 24.04.2024 and the sole material witness stands examined, who as already submitted has been declared hostile, further incarceration of the petitioner would serve no useful purpose as 30 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has drawn the attention of this Court to the allegations levelled in the FIR in question, which stands reproduced hereinbelow:

“To Mr Anil Vij Home Minister Haryana Government Subject Complaint regarding fraudulent and illegal registration based on deception vide Vaseeka Number 1255 dated 22062022 Sub Registrar Palwal and Intakal Number 13230 be canceled and the accused namely 1 Naresh Kumar son of Shri Vijendra Singh son of Bijendra singh son of Ramprasad resident of village Choumaha tehsil and district Mathura 2 Brahm Singh son of Santi resident of village Sotai Ballabgarh 3 Satish son of Chhagdu resident of village Shahjapur Ballabgarh 4 Saurav Kumar Numberdar resident of village Bhaidoli tehsil Hasanpur district Palwal 5 Virendra Kumar resident of village Bhaidoli tehsil Hasanpur district Palwal Sir 1 The complainant Veerbati daughter of Bhagwan Singh resident of Banchhari village and wife of



Rohtash Singh resident of Deeghot village tehsil Hodal district Palwal is a housewife 2 That the father of the petitioner were four brothers among whom the name of the petitioners father is Bhagwan Singh the name of the petitioners uncles are Chhoturam Badan Singh and Chanduram son of Karan Singh the son of Chhajuram resident of village Banchhari 3 That Chhoturam and Badan Singh did not get married and they were unmarried Chhoturam has passed away and Badan Singh has been missing for the last 35 years despite extensive Search efforts his whereabouts remain unknown 4 That the petitioners father and other uncles are possessors of some agricultural land in the Banchari village Legal proceedings are pending in the learned Court Hodal for becoming the owners of Badan Singhs property The next date of hearing is on 03.10.2022 5 That when we collected documents to file case in the learned Court Hodal for becoming the owners it was discovered that all the above accused persons in collusion with each other through manipulation of documents and by substituting another person in place of Badan Singh Naresh fraudulently sold the property through a registered agreement number 3322 of the year 2022 to accused Bhram Singh and witnesses were other accused namely Satish Saurav and Surender After discovering this the complainant filed a complaint with the Superintendent of Police Palwal in which till date no case has been registered against the accused persons and no legal action has been taken in any manner 6 That the aforementioned accused individuals are influential and well connected personalities and due to their pressure



the police are reluctant to take any legal action Despite repeated requests no willingness is shown by police to conduct investigation Therefore a request is made to initiate legal proceedings against the aforementioned accused persons and to cancel the fraudulent registry and mutation I will be thankful to you Date 08.09.2022 Sd Veerbatl

4. Learned State counsel has, however, not been able to dispute on instructions, that the sole material witness not only stands examined but has indeed been declared hostile.

5. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he has placed on record custody certificate of the petitioner wherein it stands reflected that the petitioner has no other criminal antecedents.

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

7. The petitioner has now been in custody since 24.04.2024 in a Magisterial trial. The trial would take considerable time to conclude as 30 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything



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observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 22, 2024
rps

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