



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

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CRM-M-32141-2024

Date of decision: 25.07.2024

NARESH KUMAR@ CHAINCHU

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepak Vashishth, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.334 dated 11.11.2022 under Sections 418, 419, 420, 467, 468, 471, 120-B and 201 of the IPC, 1860 registered at Police Station Mundkati, District Palwal.

2. Learned counsel for the petitioner submits that in a case resting on documentary evidence and in a magisterial trial, the petitioner is in custody since 11.03.2024; investigation stands concluded as not only challan has been presented but even charges have been framed and the complainant-PW-1 has already been examined. In support, learned counsel has drawn the attention of this Court to Annexure P-3 which is the deposition of the complainant Virbati Devi. Learned counsel has,



therefore, submitted that in the aforementioned facts and circumstances further incarceration of the petitioner would serve no useful purpose as 30 prosecution witnesses still remained to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has drawn the attention of this Court to the FIR which has been annexed as Annexure P-1 wherein the accused including the petitioner played a huge fraud upon the complainant by impersonating one Badan Singh and thereafter on the basis of a GPA sold the land of Badan Singh in the name of his maternal uncle i.e. Brahm Singh. It has also been submitted by learned counsel for the petitioner that the petitioner is involved in four other criminal cases including one under the Gangsters's Act and convicted for an offence under Section 308 of the IPC.

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

5. The following allegations were levelled in the FIR which read as under:-

"To, Sh.Anil Vij, Home Minister, Haryana Government. Subject: Complaint for doing Cheating and Forgery and on the basis of that, illegally and by wrongful means, Sale deed No. 1255 on dated 22-06-2022 was registered by Sub Registrar Palwal and for cancellation of Mutation No. 13230 and for taking action against the Accused 1. Naresh Kumar S/o Bijender Singh S/o Ramprasad R/o Village chamoha Tehsil & Distt. Mathura. 2.Brahm Singh S/o Santi R/o Village Satoi, Ballabgarh, 3. Satish S/o Chagdu R/o Shahjapur, Ballabgarh. 4. Saurav Kumar,



Namberdar R/o Village Bhandoli Tehsil Hasanpur, Distt Palwal

5. Birender Kumar R/o Village Bhandoli Tehsil Hasanpur, Distt Palwal. Respected Sir, 1. It is humbly stated before you that I am applicant namely Virbati D/o Bhagwan Singh R/o Village Banchari and W/o Rohtash Singh and I am resident of Village Dighot Tehsil Hodal District Palwal and I am a household lady.

2. That applicant's Father were 4 brothers. Applicant's Father name is Bhagwan Singh, Applicant's Uncle's (Tau) names is Choturam, another Uncle's (Tau) name is Badan Singh, and another Uncle's (Tau) name is Chandu Ram, Sons Of Karan Singh S/o Chaju Ram R/o Village Banchari.

3. That Out of Four Brothers, My Two Uncles Chotu Ram and Badan singh were unmarried and issueless. My Uncle Chotu Ram had died and whereabouts of Uncle Badan Singh are not known since last 35 years. We had searched for him many times but his whereabouts was not found.

4. That my father and other uncles had possession of the agriculture land in Village Banchari. That We all had filed the Suit to claim the ownership of land before the Learned Court at Hodal for Claiming the ownership of land of my Uncle Badan Singh, and in the particular case next date is fixed for 03-10-2022.

5. That when we collected the relevant documents regarding the land to file the suit we came to know that above mentioned accused had conspired and forged the documents and impersonate someone else to be Badan Singh and Registered the GPA No. 3322/2022 in the Name of accused Naresh Kumar and in pursuance of conspiracy the land was sold to Accused Brahm Singh and other accused namely Satish, Saurav and Birender were witness to this fake transaction. When we came to know about the cheating we had given a complaint to the Superintendent of Police Palwal but neither case has been rregistered against the culprits nor have any legal proceedings taken place.

6. That the above mentioned accused had good connections and due to which police is under the influence and due to the influence policies is not willing to take any legal action. We had met them several times but they are not ready to



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take any proceedings. Therefore I requested you to register the case against the above mentioned accused and take legal action against them and the Sale deed and Mutation which was registered by way of cheating should be cancelled. I will be highly obliged. Dated 08.09.2022. Sd/-RTI. Virbati Devi."

6. The case in hand rests on documentary evidence and the most material witness in the present case i.e. the complainant already stands examined. Hence there cannot be any apprehension of the petitioner intimidating the witnesses or even trying to tamper with the evidence as it is already part of the challan. In a magisterial trial the petitioner has now been in custody since 11.03.2024 and the trial would, therefore, take a considerable long time to conclude as 30 prosecution witnesses still remained to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner is extended the concession of bail on his furnishing bail/surety bonds 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 25, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes
No