



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.32415 of 2024
Date of Decision: 02.09.2024

Rakesh Kumar ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Wazir Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
59	17.02.2024	Nigdhu, District Karnal	406, 420 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Ram Kumar alleging therein that he was an agriculturist. The petitioner and his wife were acquainted with him and used to visit his house from the last 5-6 years. The complainant had sold his land in February 2022 and was interested to buy some other land. This fact had come to the knowledge of the petitioner and his wife

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during the course of some conversation made between them. The petitioner and his wife then represented to him that they had seen some land measuring 5 acres existing near bus stand of Village Budhera District Karnal and the complainant could purchase it. On being induced by the petitioner and his wife to do so, the complainant had asked them to let him contact the owner of the said land which was shown by the petitioner and his wife to him. The petitioner then called the co-accused **Ravinder son of Ruhla Ram** who showed the documents qua ownership of the abovesaid land to the complainant. Some loan was also shown to be taken on the said land. The accused Rakesh Kumar assured the complainant that before execution of sale deed, the said loan would be paid. The complainant agreed to purchase the abovementioned land @Rs.33,61,000/- per acre and an agreement to sell was executed between the complainant and accused Ravinder son of Rulha Ram on 30.06.2023 in his favour. At that time, the complainant gave an amount of Rs.50 lakhs i.e. Rs.29 lakhs in cash and cheque for an amount of Rs.21 lakhs was given.

3. As per the further allegations, the sale deed was to be executed in favour of the complainant on 15.09.2023. The complainant alleged that the petitioner, his wife and co-accused Ravinder son of Rulha Ram took cheque of a sum of Rs.25 lakhs from him in the name of co-accused Natha Ram and got it encashed. Thereafter, the petitioner again took from him cheque for amount of Rs.15 lakhs and cash amount of Rs.20 lakhs and the said cheque was also encashed. As on 16.08.2023, the amount of the two cheques as got issued from the complainant was reverted to his bank

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account. However, the petitioner in collusion with the co-accused, got opened an account in HDFC Bank in the name of accused **Ravinder son of Ranbir** (hereinafter to be mentioned as “**Ravinder-II**”) after hatching a conspiracy with him as well. They deposited two cheques for amounts of Rs.30 lakhs and Rs.34 lakhs respectively and issued by the complainant in the name of this Ravinder-II, in the abovesaid bank account and then the petitioner and his wife got the aforementioned amounts transferred in their respective bank accounts on 16.08.2023 and 17.08.2023. The complainant had paid total amount of Rs.1,75,40,000/- for purchase of five acres of land to the petitioner and co-accused.

4. As per the further allegations, the petitioner and the co-accused Ravinder son of Ruhla Ram then prevailed upon the complainant to extend the date for execution of sale deed in his favour and it was extended to 30.12.2023 but due to the said day being declared a Government holiday, the sale deed was agreed to be executed on 29.12.2023 and then on 01.01.2024. The complainant alleged that the co-accused Ravinder and the petitioner did not turn up for execution of the sale deed and subsequently the complainant came to know that the original vendor Ravinder had transferred the land in dispute in favour of his wife dishonestly and to cause wrongful loss to him. The money of the complainant was also not refunded. The petitioner had handed over a blank cheque to the complainant on his insistence as security but then he started threatening the complainant to eliminate his family members and himself. Therefore, he prayed for taking action against the culprits.

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5. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 22.04.2024. It was revealed during investigation that the petitioner had got transferred an amount of Rs.10 lakhs out of the money given by the complainant for purchase of land. It was also revealed that he had connived with the accused Ravinder-II in opening an account in his name in the bank and had fraudulently got transferred amount of Rs.34 lakh and Rs.30 lakhs respectively as given by the complainant by way of cheques in the abovesaid account and had wrongfully gained therefrom. He had sworn an affidavit before the Panchayat that an amount of Rs.1,75,40,000/- had been taken by him from the complainant for purchase of land. During interrogation, he suffered disclosure statement admitting his involvement in the subject crime. The co-accused Sandhya i.e. his wife and Nathu Ram were found to be innocent. Investigation has since been completed and challan has been presented against the petitioner in the Court. The applications moved by the petitioner before the trial Court and the learned Additional Sessions Judge have been dismissed.

6. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 22.04.2024. Investigation has been completed. The trial is likely to take time. The amount of Rs.15 lakhs which had been given by the complainant in the form of cheque in his favour and was deposited in his bank account, had admittedly been reverted back into the account of the complainant on 16.08.2023 and 17.08.2023 respectively. No other amount of money had either been transferred in his bank account or received by him. He is not a

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beneficiary to the transaction of money which had taken place for purchase of land by the complainant. There is no document with regard to handing over of cash amount of Rs.20 lakhs by the complainant to the petitioner. In the affidavit/compromise allegedly sworn by him on 28.12.2023, the factum of receipt of Rs.20 lakhs by the petitioner has not been mentioned. The trial is likely to take time. No useful purpose would be served by detaining him in custody any more. The subject offences are triable by Magistrate. A suit for specific performance of agreement as filed by the complainant is pending before the Civil Court. The dispute is civil in nature. His complicity in the subject crime does not stand establish at all and he was just a mediator in the transaction of sale which took place between the complainant and the co-accused Ravinder son of Ruhla Ram. Out of the amount deposited in the account of co-accused Ravinder-II, an amount of Rs.54 lakhs stands frozen after registration of FIR of this case. With these broad submissions, it is urged that he deserves to be released on bail.

7. Status report has been filed by the learned State counsel and the complainant has filed reply. Learned State counsel assisted by learned counsel for the complainant has argued that there are specific and serious allegations against the petitioner who is a habitual offender since as many as three other criminal cases of similar nature are pending against him. That apart, several persons some of whom were nominated as accused in this very case have recorded statements qua being duped at the hands of the petitioner. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. There are chances of

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petitioner's intimidating the witnesses or absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

8. I have heard learned counsel for the parties at considerable length and have gone through the record.

9. The petitioner in connivance with the co-accused is alleged to have induced the complainant to part with a sum of Rs.1,75,40,000/- on the pretext of getting five acres of land belonging to the co-accused Ravinder son of Ruhla Ram purchased in his name by executing an agreement in that regard. As per the allegations, he had even induced the co-accused Ravinder-II to open a bank account and took four signed blank cheques from him. Then by getting two cheques issued by the complainant of sums of Rs.30 lakhs and Rs.34 lakhs in favour of the original vendor Ravinder son of Rulha Ram, he managed to get those cheques deposited in the bank account so opened in the name of Ravinder-II, he withdrew the amount of the same with the help of signed blank cheques taken from him and misused the same. He is also alleged to have even induced Natha Ram who was nominated as an accused but found to be innocent to handover two blank signed cheques and then by operating his bank account, he is alleged to have made transactions of several lakhs of rupees. That apart, he is further alleged to have induced the complainant to part with huge amount of Rs.1,75,40,000/- in connivance with the co-accused Ravinder son of Ruhla Ram and caused wrongful loss to him. The allegations against the petitioner are quite serious in nature. The complainant and other material witnesses are yet to be examined. The apprehension that he may abscond or intimidate the

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witnesses cannot be stated to be unfounded keeping in view his antecedents which are no clean. Taking into consideration the gravity of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

02.09.2024
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(MANISHA BATRA)
JUDGE

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