



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-35597-2024 (O&M)
Date of Decision:- 23.10.2024

Ramesh Chand ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarfaraj Hussain, Advocate, for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
225	07.06.2022	Badshahpur, District Gurugram	419, 420, 467, 468, 471, 201 and 120-B IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Vikram Mehta, authorized representative of the property owners namely Atul Mathur and Mrs. Suniti Mathur, wherein it is alleged that Atul Mathur and Mrs. Suniti Mathur were the owners in possession of the property measuring 2 acres in village Badshahpur, Tehsil Gurugram and that they were



residing in USA. It is alleged that the accused by way of forging ante-dated sale deeds disposed of the property without knowledge and consent of the rightful owners Atul Mathur and Mrs. Suniti Mathur. It is the case of prosecution that petitioner-Ramesh Chand had facilitated the execution of the said fraud by procuring stamp papers bearing an earlier date from Tis Hazari Court and had prepared a forged and bogus sale deed and on the basis of which the property was further sold to another co-accused Dharmender Khatana.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case on the basis of disclosure statement of co-accused which would not carry any evidentiary value. It has been submitted that none of the documents collected by the police bears his signatures and as such he cannot be connected with the alleged forgery in any manner. It has further been submitted that the petitioner as on date has been behind bars since the last more than 5 months and since 5 of the co-accused including the beneficiaries are on bail, the petitioner also deserves the same concession on the ground of parity.
4. Opposing the petition, learned State counsel submitted that since the co-accused have specifically nominated the petitioner, his complicity is clearly evident. Learned State counsel has not disputed the fact that the petitioner has been behind bars for the last more than 5 months and that as on date no PW out of cited 44 PWs has been examined.



6. This Court has considered rival submissions addressed before this Court.
7. Without commenting anything as regards merits of the case, but having regard to the custody period of the petitioner and the fact that not even a single PW has been examined till date, this Court is of the opinion that further detention of the petitioner would not be justified. The petitioner certainly cannot be kept behind bars for an indefinite period. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.10.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No