

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-38889-2024
Date of decision: 20.08.2024

SUNIL
Versus
....Petitioner

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Dr. Pankaj Nanhera, Advocate with
Mr. D.P.Singh, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

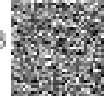
Mr. S.S. Majithia, Advocate for the complainant.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.72 dated 13.02.2024, under Sections 406, 420 and 120-B of IPC, registered at Police Station Sector 8, District Faridabad, Haryana.

2. The allegations as culled out from the present FIR, reads as under:-

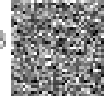
“On 01.03.2021, I entered into an agreement with Premvati, wife of Shri Karamveer, for a 300 square yard plot. The transfer deed was registered as document number 1688 on 15.06.2017 with the Sub-Registrar Ballabgarh. The deal was fixed at Rs.43,50,000, out of which I paid ₹13,50,000/- via RTGS No: ICICR520210301008344 dated 01.03.2021 through ICICI Bank to Premvati. Both parties agreed to finalize the registry on 28.02.2022, with the remaining Rs.30,00,000/- to be paid at the time of registry. The agreement stated that the land was free of any encumbrances. However, on 02.05.2021, Premvati passed away. Shortly thereafter, her husband Karamveer and their sons Karan Singh, Bhupendra, and Sunil started pressuring us for the remaining money.



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When we asked to proceed with the registry, they insisted on receiving the rest of the money, threatening to sell the plot to someone else if we did not comply. Consequently, on 04.08.2021, we transferred ₹25,00,000/- from the remaining amount through a cheque no. 717923 from Indian Overseas Bank, NHPC Branch, Sector-33, Faridabad, to Karamveer's account no. 33760100000258 at IOB Bank, with the consent of all three sons. A new agreement was drawn up, and the registry date was set for 04.11.2021. However, they refused to complete the registry on the agreed date, citing lack of time, and postponed it to 04.01.2022, after handing over possession of the plot to us. On 04.01.2022, they again refused to complete the registry, claiming they had given us possession of the land and would do nothing further. Subsequently, an employee of IIFL Home Finance Ltd served us an auction notice for the said plot, revealing that there was a loan of ₹45,00,000/- against it, taken by Premvati, Karamveer, and their sons in 2019. Further inquiries revealed that Karamveer had executed two transfer deeds in his wife's name: Transfer Deed No: 1688 dated 15.06.2017, used during our agreement. Transfer Deed No: 5994 dated 25.09.2018, used earlier with IIFL Bank. Sir, I wish to bring to your attention that during the agreement, Premvati, Karamveer, and their three sons had falsely represented the plot as free of any encumbrances. Through A well-thought-out plan, Karamveer and his sons misappropriated 240,50,000/- from me and handed over possession of the plot, which was mortgaged to the bank and has now been auctioned by IIFL Bank. I moved a complaint regarding this fraud on 22.08.2023 at your office, but no appropriate action has been taken against the culprits so far. I, therefore, request you to take appropriate action against the culprits and provide us justice. The fact that they took a loan against the plot and concealed all information from us, knowing that they could not get the plot registered, constitutes deliberate fraud, and grabbed ₹40,50,000/-. Hence, I request legal action against Karamveer and his three sons, Karan Singh, Bhupendra, and Sunil.

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

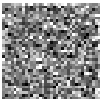


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- (i) Petitioner has been falsely implicated in the present case;*
- (ii) There is no money transaction between the present petitioner and the complainant;*
- (iii) First agreement to sell was not entered between the present petitioner, and the complainant, rather it was between the mother of the petitioner and the complainant ;*
- (iv) Petitioner is not involved in any other criminal case.*
- (v) Petitioner has suffered incarceration of more than 02 months, as on today.*

4. Per contra, the learned State counsel, assisted by learned counsel for the complainant, have opposed the grant of regular bail to the present petitioner, and submits that well knowingly, that there is encumbrance upon the land (amounting to Rs.45 lakhs), the agreement to sell was executed. Learned State counsel has placed on record the custody certificate *qua* the petitioner, as issued by the Deputy Superintendent, District Prison (Faridabad), Haryana. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 02 months and 20 days, as on today. A perusal of the custody certificate further reveals that the petitioner is not involved in any other criminal case. Learned State counsel on instructions, imparted to him by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 22.07.2024, but the charges are yet to be framed.

5. Be that as it may be, since there is no money transaction between the present petitioner, and the complainant, and the petitioner has suffered incarceration



of 02 months and 20 days, as on today. Considering the fact that all the offences under which the petitioner is facing trial, is triable by the Court of Judicial Magistrate First Class, and the final report under Section 173 Cr.P.C was filed on 22.07.2024, and conclusion of trial will take long time, therefore, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

7. All pending application(s) stand **disposed** of accordingly.

20.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No