



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

1. CRM-23466-2024 in/and
CRM-M-42202-2023
Date of decision: May 27th, 2024
Saurabh Bhardwaj
.....Petitioner

Versus
State of Haryana
.....Respondent

2. CRM-M-51095-2023
Suresh Rahi
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Dhull, Advocate
for the petitioner (in CRM-M-42202-2023).
Mr. Aman Pal, Advocate
for the petitioner (in CRM-M-51095-2023).
Ms. Deepshikha Chauhan, Assistant Advocate General,
Haryana.
Mr. Kunal Dawar, Advocate
for the applicant-complainant.

MANJARI NEHRU KAUL, J.

CRM-23466-2024

Prayer in this application is for placing on record documents
Annexures R-1 to R-4 and for exemption from filing certified copies
thereof.

Application is allowed subject to just exceptions.

Documents Annexure R-1 to R-4 are taken on record.

Exemption, as prayed for, is granted.

Main case

1. This order shall dispose of the above-mentioned petitions filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioners, as they arise out of same FIR i.e. FIR No.266 dated 04.08.2023 under Sections 419, 420, 467, 468, 471, 120-B of the IPC registered at Police Station Sector 31, District Faridabad.

2. Learned counsel for the petitioners have submitted that they have been falsely implicated in the present case along with the co-accused, for allegedly playing a fraud and cheating the complainant of more than ₹2,62,00,000/- by executing a forged agreement to sell qua a piece of land situated in Noida by impersonating the real owner. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel for the petitioners have submitted that the unexplained and abnormal delay of one year in lodging of the FIR in question further points out to a fabricated version having been brought forth against them. It has been asserted that a bare perusal of the contents of the FIR leaves no manner of doubt that the dispute, if any, between the parties is essentially of a civil nature, which for reasons but obvious, has been given a criminal complexion.

3. Learned counsel have still further submitted that the false implication of the petitioners in the instant case finds due credence from the fact that the complainant had got executed an agreement to sell, a General Power of Attorney (for short 'GPA'), and a Will from the owner of the land in question, Saranjeet Singh in favour of his own

brother Himanshu Garg, and even the cheques in question were issued by the complainant only in the name of Saranjeet Singh, who had later passed away on 17.08.2022. In support, attention of this Court has been drawn to the cheques annexed as Annexure P-2 to P-5, which were post-dated and amounting to ₹4 crores in favour of the owner of the land. Learned counsel submit that these cheques were subsequently taken back by the complainant from the legal heirs of deceased Saranjeet Singh.

4. Learned counsel for the petitioners have further argued that the core dispute is between the owner of the property i.e. Saranjeet Singh/LRs of Saranjeet Singh and the complainant, and they have no involvement in the matter; nothing is required to be recovered from them and hence, their custodial interrogation would also not be required more so, since the case in hand hinges on documentary evidence. A prayer has, therefore, been made to extend the concession of anticipatory bail to the petitioners.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the learned counsel for the petitioners. It has been asserted by the learned State counsel as well as the counsel for the complainant that the petitioners, who are property dealers, orchestrated a huge fraud by cheating the complainant out of crores of rupees under the guise of selling a property in Noida. Investigations revealed that the petitioners along with their co-accused, conspired to impersonate the real owner of the land. The accused including the petitioners executed a fraudulent power of attorney, an agreement to sell, and a Will, and

subsequently received more than ₹2,62,00,000/- from the complainant. Attention of this Court has also been drawn to Annexure R-1, which is a receipt signed by the accused, acknowledging this payment. Learned counsel for the State has further submitted that on scrutiny and inspection of relevant revenue records, it came to light that the actual owner of the property, Saranjeet Singh, was not dead, and was in U.S.A. from 04.02.2022 to 22.09.2022. During this period, the accused, including the petitioners fabricated a false GPA dated 21.04.2022, and falsely claimed that Saranjeet Singh had died. Besides this, all the accused also prepared forged Aadhaar Cards and PAN cards, which are still to be recovered.

6. Additionally, the learned State counsel has highlighted that two women were presented as the legal heirs of Saranjeet Singh by the accused, who too were imposters. Learned counsel has, therefore, asserted that all these facts point to a larger conspiracy and leave no manner of doubt that the petitioners and the co-accused are a part of an organised crime; land scams, especially those targeting properties owned by NRIs, are rampant in the NCR of Delhi due to soaring land prices. Hence, the custodial interrogation of the petitioners would be necessitated, not only for recovering the amount received by the petitioners from the complainant but most importantly for uncovering the entire *modus operandi* of the accused including the petitioners in such like organised crimes regarding lands and properties in the NCR of Delhi.

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

8. Before proceeding further, it would be opposite to reproduce the contents of the FIR, which has been annexed as Annexure P-1, which are as under:-

“To, The DSP, Sector 12, Faridabad. Subject: Application against Suresh Rahi 7290822142, Dushyant, Saurabh Bhardwaj, Sanjay Singh, Gurnam Kaur w/o Sh. Nihal Singh resident of Village Paliwala Chak, Paliwala Mandi, Ameen Ganj, Fazilka, Jalalabad, Punjab and Smt. Paramjeet Kaur w/o Sh. Mangal Singh resident of Manumachhi, Ferozepur, Punjab who have committed fraud and conspiracy by grabbing Rs.2,62,00,000/- (Rupees Two Crore Sixty Two Lacs). Respected Sir, it is submitted that I Atul Garg s/o Sh. Jai Kishan Garg am having office at 68/1, DLF Industrial Area, Phase-I, Sector 31, Faridabad submitted as under:- 1. That I am doing a work of warehousing and I used to construct warehouse and give it on rent to big companies. In this regard, I was in need of some land in Noida where I wanted to construct a warehouse for a company. I told this fact to my friend Chander Narang who is a property dealer. Chander Narang told me that he knows Suresh Rahi, Saurabh Bhardwaj and Sanjay Singh are doing work of property in Noida. 2. That after this, my friend Chander Narang introduced me Suresh, Dushyant, Saurabh Bhardwaj and Sanjay Singh by arranging meeting with me and they told me that they have some land measuring about 2.6550 hectare situated at Village Namoli, Pargana Dankaur, and District Gautambudh Nagar in the name of Saranjeet Singh s/o Sh. Santa Singh who wants to sell this land because he is in urgent-need of money. 3. That Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh enticed me and told me that if I will give Rs.2 Crores as commission to them then they will get that land bought to me at very less price. The market value of above said land is about Rs. 15-16 Crores and they will get this land for me in Rs.4 Crores only and the amount of Rs.2 Crores as commission will

also be adjusted in this amount. 4. That I believed in talking of Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh and those four persons showed me a land adjoining to LG company and they further assured me by calling Patwari there and when I was satisfied after seeing the land then I called Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh to my home and they took Rs.2 Crore from me as commission and give me one signed receipt in token, copy of which is also annexed herewith. 5. That after this, the accused persons namely Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh called one person namely Sh. Saranjeet Singh s/o Sh. Santa Singh resident of Bas Kirpal Nagar, Alwar, Rajasthan on 21.4.2022 in Tehsil Office, Gaziabad and told that he is Saranjeet Singh and the above said Saranjeet Singh got executed one G.P/A. and a Will of the above said land in favour of my brother Himanshu Garg and Rs.12 Lakhs and a cheques of Rs.50 Lakh was got handed over to Saranjeet and asked that balance payment will be paid at the time of Registry. 6. That after some days, when I told Suresh Rahi Dushyant, Saurabh Bhardwaj and Sanjay Singh for registry then they used to evade me and I was doubtful on their version and I went personally upon the land shown by them to enquire from the nearby persons and I came to know that the land showed to me belonged to T.Series Company and Saranjeet Singh has no connection with that land. When I told this thing to Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh then they said that they will get done the demarcation of land personally and after some time all the four persons went with me and showed me another land and they also gave application to Patwari for demarcation of that land. 7. That after some time, when I told them to execute registry of that land they said me that Saranjeet Singh had died and his LRs are his two daughters namely Gurnam Kaur and Paramjeet Kaur who will execute a new agreement to sell in my favour. 8. That after some

time, all the accused persons came to my office situated at 20/4, Nepco Compound, Sector 5, Mathura Road, Faridabad and prepared a new agreement to sell which was signed by all of us. Copy of new agreement to sell is attached herewith this application. 9. That when I went to the land personally for taking the possession of the said land, then I met another person who told me that his name is Saranjeet Singh and this land belongs to him and the electricity connection of this land is also in his name. Then I have some doubt and again talk to Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh and they told me that some person is telling lie to you. 10. That after some time Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh had stopped to pick up my call and Gurnam Kaur and Paramjeet Kaur also stopped to pick-up my call. 11. That all the accused persons with intention to grab money, have grabbed an amount of about Rs.2,62,00,000/- (Rupees Two Crore Sixty Two Lacs) from me in lieu of selling above said and thus the accused persons get economical benefits to themselves by playing fraud and conspiracy me and suffered economical loss to me and executed forged agreement to sell, power of attorney and Will by creating one other person as Saranjeet Singh. Therefore, it is requested to your good-self that FIR under relevant sections may be registered against the above said accused persons and legal action may be taken against them and justice be delivered to me.”

9. *Prima facie*, a perusal of the allegations levelled in the FIR clearly reveal that very serious allegations have been levelled against all the accused, including the petitioners. The FIR not only names the petitioners but also specific roles have been attributed to each of them, outlining a conspiracy to impersonate the true owner of the land in question. This was allegedly achieved through the execution of forged

and fabricated documents, such as a power of attorney and agreement to sell, and a Will, using imposters posing as the real owner. Consequently, the accused including the petitioners, received crores of rupees based on these fraudulent documents. Further evidence indicates that the real owner of the land, Saranjeet Singh, was residing in the U.S.A. at the time when the alleged agreement to sell was executed. Moreover, the real owner, who was falsely shown to have died, was actually alive. To perpetuate the fraud, the accused introduced two women imposters, as the legal heirs of the real owner.

10. This Court in the above facts and circumstances and in the light of allegations levelled, concurs with the assertions made by the learned State counsel that a larger conspiracy pertaining to lands in the NCR of Delhi is at play. The full extent of the fraud and forgery can only be uncovered through the custodial interrogation of the petitioners.

11. As a sequel to the above, the petitioners, therefore, do not deserve the extraordinary concession of bail.

12. The instant petitions, therefore, stand dismissed.

13. 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.

May 27th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No