

CRM-M-50449 of 2023,
CRM-M-61945 of 2023 &
CRM-M-138 of 2024

2024:PHHC:057252
2024:PHHC:057254
2024:PHHC:057255

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on:25.04.2024
Pronounced on: 26.04.2024

1. CRM-M-50449 of 2023
Dilip @ Dileep Kumar TripathiPetitioner
Vs.
State of PunjabRespondent
2. CRM-M-61945 of 2023
Syed Pervez RahmanPetitioner
Vs.
State of PunjabRespondent
3. CRM-M-138 of 2024
Humra RehmanPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Varun Chhibba, Advocate with
Mr. Amandeep Singh Sidhu, Advocate
for the petitioner in CRM-M-50449 of 2023.
Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai and Mr. Prabhdeep S. Bindra,
Advocates for the petitioner in CRM-M-138-2024
& CRM-M-61945 of 2023.
Mr. Sahil R. Bakshi, AAG, Punjab.
Mr. R.S. Randhawa, Advocate with
Mr. Tarranum Madaan, Advocate for the complainant.

DEEPAK GUPTA, J.

This order shall dispose of three petitions, as all three of them pertain to case FIR No.228 dated 24.08.2023 under Sections 420, 120-B and 506 IPC (Sections 467, 468, 471 IPC added later on vide DDR No.30 dated 03.09.2023) registered at Police Station Sadar Mansa, District Mansa.

2. CRM-M-61945 of 2023 has been filed under Section 439 Cr.P.C by petitioner – Syed Pervez Rahman seeking regular bail; whereas CRM-M-50449 of 2023 and CRM-M-138 of 2024 have been filed under Section 438 Cr.P.C by petitioners Dilip @ Dileep Kumar Tripathi and Humra Rehman respectively, seeking anticipatory bail.

3. Separate status reports in all the three petitions have been filed on behalf of the respondent- State.

4.1 It emerges that complaints were made by Gurpreet Singh son of Major Singh, resident of Bathinda to the Police, as per which, in October 2020, he along with his friend Nardev Bansal and Ex-MLA Pritam Singh came in contact at Chandigarh with Syed Pervez Rahman (*petitioner in CRM-M-61945 of 2023*), Dilip @ Dileep Kumar Tripathi (*petitioner in CRM-M-50449 of 2023*) and Sanjay Sharma, who told them that they were getting Nirmal Singh Bhangu, the owner of Pearl Company, released on bail. They also showed the Identity Card of the PMO and told the complainant that they could get the property of Pearl Company transferred in their names at cheap rates. Complainant further disclosed about his later meeting with Syed Pervez Rahman, Dilip @ Dileep Kumar Tripathi, Sanjay Sharma and one unknown person and that parties agreed for an agreement to sell regarding some land, stated to be belonging to the Pearl Company at Bathinda, for an amount of ₹15 crore. Complainant was asked to bring an amount of ₹75 lakhs within two days, which was paid to above persons at a place ahead of Mansa – Kanchian towards Sunam side. The complainant party was assured of getting necessary clearance from the concerned quarter and execution of sale deed. Thereafter, complainant was called at Dehradun, where he was introduced by the accused to an unknown lady projecting her to be a High Rank Officer of Securities and Exchange Board of India (SEBI). Photocopy of the letter issued by SEBI was also shown to the complainant party. Complainant was told that for getting the sale deed registered, he will have to pay at least ₹8 crores, which was to be paid to the Lodha Committee of Hon'ble Supreme Court and Senior Rank Officers of SEBI. Complainant stated further that he arranged ₹8 crores over a period of two years after borrowing the same from their friends and relatives and

paid this amount in ten instalments to the accused at Delhi, Dehradun and Chandigarh but no sale deed was executed in their favour. Complainant party then came to know that the unknown lady introduced to them as High Rank Officer of SEBI was in fact Humra Rehman (*petitioner in CRM-M-138 of 2024*) wife of Syed Pervez Rahman and that a case FIR No.84 dated 23.06.2023 under Sections 406, 420, 467, 468, 471 read with Section 120-B IPC had already been registered against the accused at Police Station Sarabha Nagar, Ludhiana. As the complainant party tried to contact Syed Pervez Rahman, he gave threats to him.

4.2 Necessary inquiry was conducted in the afore-said complaint of Gurpreet Singh by DSP, Mansa and based thereon, present FIR was initially registered under Section 420, 120-B and 506 IPC against Syed Pervez Rahman, Dilip @ Dileep Kumar Tripathi, Sanjay Sharma and Humra Rehman.

4.3 Accused Syed Pervez Rahman (*petitioner in CRM-M-61945 of 2023*) was arrested on 01.09.2023. At the time of his arrest, documents shown by the accused to the complainant at different time of intervals, i.e. Letter dated 02.12.2020 issued by SEBI, letter issued to Justice (Retd) R.M. Lodha Committee (in the matter of PACL properties) and various sale deeds were recovered, which were taken into possession by the IO, vide seizure memo. All these documents as recovered from Syed Pervez Rahman were found to be forged and fabricated and so, offences under Sections 467, 468 and 471 IPC were added vide DDR No.30 dated 03.09.2023. The disclosure statement suffered by said Syed Pervez Rahman resulted in recovery of ₹50,000/-. After completion of investigation qua said Syed Pervez Rahman, final report under Section 173 Cr.P.C was prepared. The other accused are

yet to be arrested.

5. On behalf of petitioner Dilip @ Dileep Kumar Tripathi, it is contended by learned counsel that said petitioner was earlier involved in FIR No.84 dated 23.06.2023 registered at Police Station Sarabha Nagar, District Ludhiana, copy of which is Annexure P4, in which the period of occurrence of offence is stated to be 24.07.2020 to 10.09.2020. Learned counsel contends that petitioner was arrested in that case on 24.06.2023 and was allowed bail on 24.08.2023 and that immediately thereafter, the present FIR No.228 dated 24.08.2023 has been registered at Police Station Mansa (copy Annexure P1). Learned counsel contends that petitioner had earlier joined the investigation pursuant to the order dated 20.10.2023 passed by this Court in CRM-M-50449 of 2023 (O&M), in which he has fully co-operated; that nothing is required to be recovered from him and so, the interim bail granted to him be made absolute.

6. On behalf of petitioner Humra Rehman, it is contended by learned Senior Counsel that all the allegations against her are false; that no agreement to sell has been produced by the complainant to show any deal as referred in the FIR, to have been struck between him and the accused party; that no description of alleged property, regarding which agreement to sell is stated to have been entered, is given; that no description as to the date or place when the cash was handed over, is disclosed; that no document or receipt is produced to show any cash transaction; that no source is disclosed by the complainant to arrange the huge amount of ₹8 crore. Learned Senior Counsel also contends that only attribution to the petitioner is that she was projected by the co-accused as a High Rank officer of SEBI and that photocopy of a letter issued by SEBI was given to him by her. Learned

Senior Counsel submits that it is not the allegation that the petitioner made any representation to any of the complainant nor the alleged letter of SEBI was given by her. Learned Senior Counsel further submits that the petitioner is ready to join the investigation and so, she be allowed anticipatory bail.

7. On behalf of petitioner – Syed Pervez Rahman seeking regular bail, learned Senior Counsel has raised the same contentions as qua petitioner – Humra Rehman regarding the nature of alleged transactions between the complainant and the accused. It is submitted that the petitioner is in custody for the last more than seven months and that he has already been released on bail in case FIR No.84 dated 23.06.2023 registered under Sections 406, 420, 467, 468, 471 read with Section 120-B IPC at Police Station Sarabha Nagar, District Ludhiana vide an order dated 11.12.2023 passed by the co-ordinate Bench of this Court in CRM-M-61360 of 2023; that offences in question are triable by the Magistrate; that trial is likely to take a long time to conclude and in all these circumstances, he be allowed bail.

8. Learned State Counsel ably supported by counsel for the complainant has opposed all the petitions. It is urged that all the three petitioners along with co-accused duped the complainant of his hard earned money amounting to ₹8 crore at the pretext of getting the property belonging to the Pearl Company transferred in his name; that custodial interrogation of petitioners Dalip Tripathi and Humra Rehman is required to unearth the entire truth. Prayer is made for dismissal of the petitions.

9. I have considered submission of both the sides and have perused the record.

10. As rightly pointed out by learned Senior Counsel that in the

entire FIR, there is no reference of any property details, which were allegedly shown to the complainant party and which was subject-matter of any alleged deal. No agreement to sell has been produced to show any deal struck between the complainant and the accused party. No date or specific place is mentioned, where the huge amount of ₹8 crore is stated to have been paid in ten instalments. It would not be out of place to mention that on 14.02.2024, learned counsel for the complainant sought adjournment to place on record necessary documents to convince this Court that amount of ₹8 crore had been given on different dates to the accused persons. However, despite grant of adequate opportunities, no such documents have been placed on record. On 25.04.2024, learned counsel for the complainant made a statement that no such documents could be traced. Further, neither any receipt to show payment of any amount to the accused party is pleaded or produced on record; nor any source of the huge amount of ₹8 crore is disclosed. All these allegations as made in the FIR are, in the facts and circumstances, subject-matter of trial. The prosecution case, as of now, is based on the allegations made in the complaint and the recovery of certain forged documents, which are stated to have been recovered from the petitioner-accused – Syed Pervez Rahman.

11. Petitioner – Dilip @ Dileep Kumar Tripathi has already joined the investigation. As far as petitioner – Humra Rehman is concerned, the only role attributed to her is that she was projected by the accused party as a High Rank officer of SEBI to the complainant party.

12. In the afore-said facts and circumstances, but without commenting anything further on the merits of the case, CRM-M-50449 of 2023 (O&M) is allowed. The interim bail granted to petitioner – Dilip @

Dileep Kumar Tripathi vide order dated 20.10.2023 is hereby made absolute. However, the petitioner shall continue to join the investigation, as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

13. Petition bearing CRM-M-138 of 2024 pertaining to Humra Rehman is allowed by granting concession of anticipatory bail. It is directed that in case of her arrest, the petitioner shall be released on bail by the Investigating Officer subject to her furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is subject to the condition that the petitioner shall join the investigation as and when so required by the Investigating Officer. She shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

14. Coming to CRM-M-61945 of 2023 pertaining to petitioner – Syed Pervez Rahman, he is in custody for the last more than seven months. All the offences in question are triable by the Magistrate. Investigation qua him is already complete. Trial is likely to take a long time to conclude. No purpose shall be served by keeping him detained. Considering these facts and circumstances, but without commenting anything further on merits of the case, CRM-M-61945 of 2023 is allowed. Petitioner – Syed Pervez Rahman is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on files of connected cases.

April 26, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No