



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-49227-2024**Date of decision: 14.10.2024****RAJESH KUMAR**

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kapil Kumar, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.103 dated 04.05.2023 under Sections 406, 420, 467, 468, 471 and 120-B of the IPC (Section 120-B IPC added later on) registered at Police Station City Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner has been in custody for more than a year having been arrested on 07.10.2023 in a case triable by a Magistrate. It has been further submitted that false allegations have been levelled against the petitioner of having arranged for an impersonator in place of one Shimla Devi. Learned counsel still further submits that the petitioner was not even a beneficiary of the alleged transactions said to have taken place between the co accused and



the complainant. A prayer has, therefore, been made to enlarge the petitioner on bail as the case at hand rests on documentary evidence which is already part of the challan and hence there can be no apprehension of the petitioner tampering with any evidence.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel opposite, on instructions, has reiterated the allegations levelled in the FIR which has been reproduced in the body of the petition and stands reproduced here-in-under:

“Copy of complaint No.1731-MISC Dt. 2.5.2023 with enquiry report of DSP, Pehowa which is as under: To, The Superintendent of Police, Kurukshetra. Subject: Regarding extracting Rs.43,00,000/- fraudulently by Krishan Kumar son of Ram Pasi, Village Kamauda, Tehsil Pehowa, District Kurukshetra Mob. No.9896238165. Sanjiv Kumar son of Puran Chand, resident of village Barna, District Kurukshetra, Mob. No.9050190043 and a woman of unknown name and address for selling the land. Sir, It is humbly requested that IL, Rajender Kumar son of late Ramlubhawa, am resident No.349, Sector 7, Kurukshetra and am a peace loving citizen. In village Sanwla, District Kurukshetra, I am partner in Hindustan Rice Sheller and White Hill Agro Products, Village Kamoda, District Kurukshetra with Shri Pankaj Jain son of Devender Kumar, resident of House No.33, Hargovind Nagar, Kurukshetra. We, for extending our business, were in need of land in village Kamauda and in front of plant of village Kamauda, a land was lying vacant. Sanjiv Kumar son of Puran Chand, resident Tehsil Kurukshetra, of Thanesar, to whom village Barna, District know very I well, usually used to come to me for getting the land purchased. On 21.3.2023, Sanjiv Kumar aforesaid, Krishan Kumar son resident of of Ramphal, village Kamauda and Woman with him, had come to a my partner Pankaj Jain in the plant of Kamauda and told to Pankaj Jain that there is land measuring 11 Bighas 19 Biswas in front of your plant. This land is in the name of Shimla Devi mother of Krishan Kumar and said about the woman came with them that she is wife of Krishan Kumar.



Pankaj Jain contacted me in this regard and narrated the entire facts to me. Pankaj Jain, Krishan Kumar and Sanjiv Kumar aforesaid and wife of Krishan Kumar of unknown name and address with them, came village Sanwla. discussion, a at plant my During deal was made purchase the land at the rate in our to of 52,00,000/- per 4 Bighas (1 Acre) and it was also settled that Krishan Kumar, before getting the sale deed registered, would get the demarcation of the land conducted. Rs.1,00,000/- as token I had given to Krishan Kumar in the presence of Pankaj Jain in the presence of Sanjiv Kumar as token on dated 21.3.2023 and Krishan Kumar had fixed date of getting agreement executed from his mother Shimla Devi as 22.3.2023. On dated 22.3.2023, Krishan Kumar and Sanjiv Kumar and a woman posing wife of Krishan Kumar came in Tehsil Pehowa and Krishan Kumar posed the old lady to be his mother Shimla Devi and Sanjiv Kumar posed the old lady as mother of Krishan Kumar. Krishan Kumar and Sanjiv Kumar agreement to sell had got executed from Shimla Devi in my favour, regarding her land situated in Mauja Kamauda, measuring 11 Bighas 19 Biswas, which is described that land measuring 08 Bighas comprised in Khasra No.2045 (4-0), 2054 (4-0) and land 03 Bighas 19 Biswas i.e. share of Min Jumla land 15 Bighas 16 Biswas, comprised in Khewat No.56, possession over Khasra No.2044, as per Jamabandi for the year 2018-2019 is owned and possessed by the first party and I had given a cheque No.000153 for Rs.42,00,000/- of HDFC Bank, Thanesar to Shimla Devi as earnest money and date of sale deed was fixed as 30.4.2023. After this I continued contacting Krishan Kumar that you may get your land demarcated from your mother Shimla Devi. Krishan Kumar started avoiding and Krishan Kumar by saying



to get the land demarcated got the date of execution of the sale deeds extended from 30.04.2023 to 30.5.2023. I suspected Krishan Kumar and Sanjiv Kumar. On dated 29.4.2023, Pankaj Jain had gone to the house of Krishan Kumar to meet him regarding getting demarcation of the conducted. Krishan Kumar was found there and in the house land not of Krishan Kumar an old woman was found, to whom Pankaj Jain asked to get her land demarcated, who immediately started saying, why I have to get my land demarcated. Pankaj Jain told to that woman that Krishan Kumar has made an agreement to sell the land of his mother Shimla Devi. That woman told that I am Shimla Devi and I have not made any agreement to sell my land and I do not know where is my son Krishan Kumar. Krishan Kumar and Sanjiv Kumar aforesaid in collusion with each other, some other woman by impersonating in place of his mother Shimla Devi, after getting a forged agreement to sell written, have fraudulently extracted an amount of Rs.43,00,000/- from me. A strictest legal action may be taken against Krishan Kumar, Sanjiv Kumar and the of unknown woman name and address. I shall be highly obliged to your goodself. Sd/ Rajender Singh, Applicant Rajender Kumar son of late Ramlubhaya, resident of House No.349, Sector-7, Urban Estate, Kurukshetra, Mobile No.9812033777, 9991999785 ... Police proceedings.”

Learned State counsel has not disputed the custody period of the petitioner and also that the instant case rests on documentary evidence which is already part of the challan. On further instructions, it has been submitted that 04 prosecution witnesses out of the 17 cited have been examined so far.



4. I have heard learned counsel for the parties and perused the material placed on record including the allegations levelled against the petitioner.

5. The petitioner has been in custody since 07.10.2023 in a magisterial trial. The trial is unlikely to conclude in the near future as 13 prosecution witnesses remain to be examined. The possibility of the petitioner tampering with evidence is not possible in view of the fact that the entire case rests on documentary evidence which as already observed earlier is part of the challan.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as no further incarceration of the petitioner is required.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 14, 2024
poonam

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