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

**CRM No.8897 of 2024 and
CRM No.8898 of 2024 in/and
CRM-M No.56904 of 2023
Date of decision: 18.07.2024**

Naveen Nayyar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravinder Singh Bassi, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab assisted by
ASI Dilbagh Singh.

Mr. Aniket Sindhar, Advocate
for the complainant.

RAJESH BHARDWAJ J.

CRM-8897-2024

Instant application has been filed for placing on record
Annexures P-7 to P-16.

For the reasons recorded in the application, the same is
allowed and documents Annexures P-7 to P-16 are ordered to be taken on
record.

CRM-8898-2024

Instant application has been filed for grant of exemption from
filing certified/typed/legible copies of Annexures P-7 to P-16.



For the reasons recorded in the application, the same is allowed. The petitioner is exempted from filing certified/typed/legible copies of Annexures P-7 to P-16.

CRM-M-56904-2023

1. Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.129, dated 28.07.2023, under Sections 406, 420, 120-B of IPC, registered at Police Station Mataur, SAS Nagar, Mohali, Punjab.

2. Adumbrated facts of the case are that the complainant, namely, Sachin Sharma lodged a complaint before the police wherein he alleged that he entered into the agreement to sell on 03.11.2022 with General Power of Attorney (GPA) holder, namely, Naveen Nayyar i.e. the petitioner, which was given to him by the actual owners, namely, Prabhjeet Singh and Tejinder Kaur. Despite the last date of registry given to be on 30.01.2023, Naveen Nayyar i.e. GPA holder did not appear for execution of sale deed. The token amount of Rs.51,000/- was handed over to Rohit, who came along with Naveen Nayyar and Rs.24,49,000/- was given as earnest money, which was transferred in the bank account of Naveen Nayyar through RTGS. They kept avoiding the transfer of property after having taken the money. This property was said to be free from all the encumbrances, however a bank loan of Rs.62,00,000/- was found to have been advanced against this property by Union Bank of India. On verification, it was further found that a Court case is also pending against this property. Thus he alleged that Naveen Nayyar had cheated the complainant to the tune of Rs.35,00,000/- and hence the legal



action be taken against him. On the basis of this complaint, the FIR was registered and the investigation commenced. The complainant was cheated by Naveen Nayyar along with the co-accused, namely, Prabhjeet Singh and Tejinder Kaur.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the petitioner is the GPA holder of the property in dispute and the physical possession is with the original owners. He has submitted that the complainant was fully aware about the legal status of the property and thus there was no concealment. He has submitted that as the original owners of the property did not handover the possession to the GPA holder i.e. the petitioner, hence the petitioner filed a complaint to the police against the original owners i.e. Prabhjeet Singh and Tejinder Kaur. He has submitted that the case is purely of civil nature and thus, the petitioner has been deliberately implicated in a criminal case. He submits that the investigation is complete and thus in the facts and circumstances, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant as well as learned State counsel have vehemently opposed the submissions made by learned counsel for the petitioner.

5. Learned counsel for the State, on instructions from ASI Dilbagh Singh, has submitted before this Court that the petitioner is the main accused. He has submitted that the petitioner projected him as the GPA holder of the original owners, however the same was cancelled in 2020 itself. He has further submitted that the petitioner is involved in



three other similar cases and thus, it is evident that he is an habitual offender. He submits that so far only the investigation is complete and the challan is presented, however learned Court is yet to frame the charges. He submits that in the facts and circumstances, the petitioner is not at par with the co-accused, who have been granted bail and thus, the petition being devoid of any merit deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that as per the allegations, the petitioner had projected himself as the GPA holder of the original owners. On the basis of the same, he entered into agreement with the complainant and earnest money was also paid by the complainant. However the property in question was found to be not free from all the encumbrances as asserted by the complainant. Despite having taken money from the complainant, the sale deed was not executed in favour of the complainant. The GPA as submitted before this Court was already cancelled by the original owners in 2020 itself. The petitioner as submitted before this Court is involved in three other cases of the similar nature. Thus, this Court finds that the petitioner is an habitual offender. So far only the challan has been presented and charges are yet to be framed in the present case and thereafter, the complainant and other witnesses are to be examined. The argument raised by learned counsel for the petitioner is that the case of the petitioner is at par with that of the co-accused, who have been granted bail is without any merits and is rejected.



8. Considering the over all facts and circumstances of the case, this Court is of the opinion that the petitioner is not entitled for the grant of bail at this stage. Thus, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

18.07.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No