



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

CRM-M-53329-2024

Date of decision: 04.11.2024

Rishika

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Sobti, 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 Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.31 dated 02.02.2023 under Sections 419, 420, 406, 465, 467, 468, 471, 120-B of the IPC registered at Police Station Hassanpur, District Palwal.

2. Learned counsel for the petitioner submits that the petitioner, who is a lady, has been in custody since 13.05.2024 in a case of false implication. It has been further submitted that the investigation in the present case is complete as not only challan has been presented but even charges stand framed on 12.09.2024, however, prosecution evidence has not yet commenced. Learned counsel has asserted that since 24 witnesses have been cited by the prosecution, there is no likelihood of the trial concluding in the near future and furthermore since the entire case of the prosecution is based on documentary



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evidence, in the aforementioned circumstances, in case the petitioner is enlarged on bail, there can be no apprehension of the petitioner tampering with evidence. A prayer has, therefore, been made extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and which stands reproduced hereinunder:-

*“To SP, Palwal. Sub: Application for fraudulently executing sale deed. Sir, It is requested that I Mangal Singh S/O Sh. Shivcharan S/O Sh. Horilal R/O Bass Mohaila Palwal. That on dated 03.09.2022, I have entered into an agreement to sell with Bhupender S/O Sh. Girraj Singh R/O Bhadauli and **Rishika** W/O Bhupender R/O Bhandoli comprised of land measuring 21 Kanal 1 marla situated at Likhi Tehsil Hassanpur District Palwal in lieu of Rs. 42,50,000/-. I have given advance payment of Rs. 9,70,000/- (Nine Lakh Seventy Thousand) (cash amount of Rs.3,00,000/- and an amount of Rs. 6,70,000/- through cheque No. 000099 Dated 03.09.2022 of HDFC Bank, Agra Chowk Palwal Branch) to the seller. It was decided that remaining amount will be given at the time of registration of sale deed on 03.10.2022. But on dated 03.10.2022, I have got marked my presence at Sr. No. 46 dated 03.10.2022 of the public notary through attested affidavit. Thereafter, when I contacted with Sh. Bhupender and his wife **Rishika**, they asked me to extend the date and gave me a new agreement to sell, wherein date of registration of sale deed was extended for 2 months. Thereafter when I again reached on the decided time, above said Bhupender and **Rishika** said to me that Id. Court has passed stay order with regard to the above said land. Therefore, he may get registered the sale deed of the land of Kishmish W/O Sher Singh R/O Village Mujesar (disclosed as relatives of Bhupender and **Rishika**). Thereafter, under a grave conspiracy, I got met with Sh. Vishnu Kumar Advocate R/O Hassanpur and Sh. Devender Kumar Nambardar S/O Sh. Omparkash R/O Hassanpur*



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*and said that the land of the above said Kishmish free from all types of encumbrances, dispute, therefore land will be sold to you instead of **Rishika**. Vishnu Kumar Advocate said that your amount is also detained in this, therefore he will talk with Tehsildar and will get registered their sale deed and received an amount of Rs. 5,30,000/- on the pretext of expenditures of sale deed. Thereafter on dated 22.12.2022, under a grave conspiracy one sale deed No. 1082 comprised of land measuring 17 Kanal 3.25 Marla situated at village Likhi Sub tehsil Hassanpur have been got registered in my favour by Smt. Kishmish W/O Sher Singh S/O Amar Singh S/O Narayan Singh R/O Village Mujesar District Faridabad. Thereafter I came to know that false sale deed has been got registered in my favour. Smt Kishmish (Adhaar No. 7919 5801 5592) in comitance with **Rishika**, Bhupender, Vishnu Kumar Advocate, Devender Kumar Namabardar and Balmat got clicked the photo of Shyamwati W/O Balmat R/O Likhi on computer at the time of registration of sale deed, who is grandmother of **Rishika** in relation and got executed a false and fabricated sale deed by placing her thumb impression as well as got opened two fake account i.e., account No. 073401510065 of ICICI Bank and account No. 920010051325286 of Axis bank on the name of Kishmish and has got transferred the amount in the said accounts from me. The details thereof is mentioned in the sale deed. Now the above said amount has been got transferred from the fake account by Bhupender in his account of axis bank Branch Rasulpur Chowk Palwal and in the accounts of **Rishika** and Balwant. In this way, all the accused Bhupender S/O Sh. Girraj Singh, **Rishika** W/O Bhupender, Vishnu Kumar Advocate, Devender Kumar, Namabardar, Balmat S/O Sh. Amar Singh and Shyamwati W/O Balmat has got registered the fabricated sale deed under a grave conspiracy. It is therefore requested that strict legal action may kindly be taken against all the accused and my amount may kindly be returned to me. I shall be thankful to you. Dated 20.01.2023. Sd/- Mangal Singh applicant Mangal Singh S/O Sh. Shivcharan R/O Bass Mohalla Palwal. Mob. 98966-28441.”*

4. Learned State counsel, however, on instructions has not been able to dispute the custody period of the petitioner as well as the stage of trial. It has also not been disputed that the entire case of the prosecution is based on documentary evidence.



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5. I have heard learned counsel for the parties and perused the material placed on record.

6. The possibility of the trial concluding in the near future seems remote as none of the 24 witnesses has been examined till date even though the challan was presented on 03.06.2024. Next date as per learned State counsel is 07.11.2024 when prosecution evidence is likely to commence. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her 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.

04.11.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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