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

CRM-M-714-2025

Date of decision: 29.07.2025

Suresh Rahi

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. S.S. Goripuria, DAG, Haryana.

Mr. Shashi Kant Singh, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No.266 dated 04.08.2023 under Sections 419/420/467/468/471/120-B of IPC registered at Police Station Sector 31, Faridabad.

Succinctly, the facts of the case are that the complainant, namely, Atul Garg, was doing the work of warehousing for which he needed some land in Noida and he told the same to his friend, namely, Chander Narang who was a property dealer, who further told the complainant that he knew Suresh Rahi (the petitioner herein), Dushyant, Saurabh Bhardwaj and Sanjay Singh who were engaged in the property business in Noida. He further introduced the complainant to them. It is further alleged that the above mentioned persons told the complainant about a land situated in village Namoli, Tehsil Dankor, Gautambudh Nagar, U.P., measuring 2.6550 hectares which was in the name of Sarabjeet Singh and he wanted to sell the same as he was in the need of money.

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Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh enticed the complainant and stated that if he would give them Rs.2 crores as commission, they would get that land at very less price to him. The market price of the said land was Rs.15-16 crore and they would get him that land for Rs.4 crore in which the commission of Rs.2 crore would also be adjusted. The complainant believed them and they showed him the land which was adjoining to LG Company and further assured by calling Patwari. When the complainant got satisfied with the land, he called Suresh Rahi, Dushyant, Saurabh Bhardwaj and Sanjay Singh and they received Rs.2 crore as commission from the complainant regarding which they signed a receipt dated 21.04.2022. Further, the accused persons arranged a meeting of the complainant with Saranjeet Singh, who executed a GPA and a Will of the said land in favour of his brother, namely, Himanshu Garg and they got him issued a cheque of Rs.12.50 lakh and it was stated that the remaining amount would be paid at the time of registry. When after some days, the complainant asked the accused persons for registry, they avoided the same. Thereafter, the complainant had doubt over them and went to the land shown by them and made inquiries from the nearby persons and came to know that the said land belonged to T-Series Company and Saranjeet Singh had nothing to do with the same. When the complainant told this thing to the accused persons, they told that they would themselves get the land measured. After some time the accused persons went with him and showed him another land and gave an application for the measurement of the same to Patwari. On asking about the registry of the said land, the accused persons stated that Saranjeet Singh had died and his successors were his two daughters, namely, Gurnam Kaur and Paramjeet Kaur and they would execute new agreement regarding the above



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land in his favour. Thereafter, all the accused persons came to the office of the complainant at Faridabad and prepared a new agreement to sell and signed over the same. When the complainant himself went to see the land for taking possession, he met another person who told that he was Saranjeet Singh and that land belonged to him. The complainant again had doubt and he again spoke to the accused persons and then they stated that someone was telling lies. After sometime, they all stopped receiving the phone calls of the complainant. All the accused persons cheated the complainant for Rs.2.62 crore and they further forged the agreement, power of attorney and Will through a fake Saranjeet Singh and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The dispute between the parties is civil in nature which has been converted into FIR. The offence under which the FIR (*supra*) was registered is triable by Magistrate. The petitioner has suffered incarceration of more than one year and till date, out of 16 prosecution witnesses, only 05 witnesses have been examined. The petitioner is not involved in any other case and he is having clean antecedents. He further submits that the petitioner is not the beneficiary of the alleged fraud. The complainant issued four post dated cheques amounting to Rs.1 crore each of different dates in the name of owner of land namely, Saranjeet Singh and he has also got executed an agreement to sell, GPA and Will from Saranjeet Singh in favour of his brother, namely, Himanshu Garg. The complainant as well as the aforementioned Himanshu Garg have already been examined as prosecution witnesses by the learned trial Court. Further, there is no allegation with regard to inducement on the part of the petitioner.



The learned State counsel assisted by learned counsel for the complainant has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established and he has committed a fraud of Rs.2.62 crore by hatching a conspiracy, as such, the petitioner is not entitled to any relief. However, he could not controvert the fact that the petitioner has suffered incarceration of more than one year and he is not involved in any other case.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since

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16.07.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as only 05 witnesses out of 16 prosecution witnesses have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Suresh Rahi, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

29.07.2025*Neha*

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