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

CRM-M-4723-2025 (O&M)

Reserved on : 12.03.2025

Pronounced on : 24.03.2025

Harish Sharma @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Ramneek Kaur Sandhu, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

Mr. Dinesh Trehan, Advocate
for the complainant.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 3 dated 08.01.2024, registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Model Town, District Ludhiana. The first petition, bearing **CRM-M-10209-2024**, was dismissed as withdrawn on 31.08.2024.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by complainant Deepak Kathuria, who is owner of a restaurant in Ludhiana, on the allegations that on being introduced by the accused persons namely Tarun Taneja, Harwinder Singh Sachdeva and Parminder Singh Sachdeva, who are property dealers, as well as petitioner Harjinder Singh Kang, his uncle and himself entered into an agreement to

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purchase a property with accused Mandeep Singh for a sum of Rs. 5.5 crores and paid an amount of Rs. 1.5 crore as earnest money to Mandeep Singh in the presence of accused Tarun Taneja, Harwinder Singh Sachdeva, Parminder Singh Sachdeva, Upjit Singh and Naresh Kumar. Even they were taken to the office of Greater Ludhiana Area Development Authority (*for short 'GLADA'*), where on their request, two computer operators, one of whom was Amit Kumar Tiwari, checked the documents and represented that the property sought to be purchased by the complainant was in fact owned by accused Mandeep Singh. It was further alleged by the complainant that in the year 2023, he came to know that the property so purchased by him and his uncle had in fact never been allotted and sold by GLADA to any other person and he also came to know that the accused persons, in connivance with each other, had prepared fake sale deed and other documents qua ownership of the said property in the name of Mandeep Singh and had sold the same to them, thereby causing wrongful loss to the tune of Rs. 5.5 crores. The petitioner, who is real brother of co-accused Naresh Kumar, was nominated by the complainant in his supplementary statement with the allegations that he had also come with his brother Naresh Kumar used to collect the money from him. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 03.02.2024.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was a signatory/attesting witness to any of the documents, which are alleged to be forged by the co-accused and which were executed during transaction of sale of the aforesaid property. Even as per allegations in the complaint, the entire

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sale consideration amount was given to co-accused Harwinder Singh in cash or through cheques to other accused but not to the present petitioner. There was no inducement on the part of the petitioner. The only allegation against him is that he was with the co-accused Naresh Kumar, when the latter had come to collect the money from the complainant. The allegations against him are general and sweeping in nature. He has not received any amount of money in the said transaction. The main accused, who are actual culprits, have been declared innocent. The petitioner is in custody since 03.02.2024. Trial is likely to take time. Similarly situated co-accused Manjeet Singh @ Jassa has already been granted concession of regular bail by this Court, vide order dated 29.01.2025 passed in **CRM-M-35502-2024**. On the grounds of parity, the petitioner too deserves the same benefit as no useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab, assisted by learned counsel for the complainant, has argued that the petitioner had hatched a conspiracy with co-accused and in pursuance of the said conspiracy, fake and forged documents regarding allotment of the said property had been prepared and on the basis of those fake documents, the complainant was induced to purchase the said property for a huge amount of money. The petitioner was actively involved in the subject crime. The allegations against him are serious in nature. Trial is going on at a proper pace. Hence, it is urged that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.
6. The name of the petitioner had surfaced in the supplementary statement suffered by the complainant, wherein he had disclosed that when co-accused Naresh Kumar had come to collect the money from him, the petitioner was accompanying him. Except this, there is no other allegation coming forth against the petitioner. There is no such allegation that there was any inducement on his part to the victims to part with any amount of money or he had represented to the victims that accused Mandeep Singh was the owner of the said property. Even no recovery is shown to have been effected from him. Investigation has since been completed and *challan* has been filed. The petitioner is in custody since 03.02.2024. Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore.
7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No