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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2477-2025
DECIDED ON: 17.01.2025

GURBAKSH SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikramjeet Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.217, dated 27.02.2015, under Sections 406, 420, 467, 468, 471, 120-B of IPC (Annexure P-1), registered at Police Station City Panipat, District Panipat.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

> *"Sir, Facts of the case is like that on 27.2.2015 Complaint No. 193 Peshi dated 19.2.2015, 84 Peshi dated 30.1.5, 88 Peshi dated 22.15, Diary No. 345 dated 13.1.15, 108 SPR dt. 8.1.15 was received in police station through post. Detail of which is as under : Sir, to the SHOP.S. City Panipat, Subject : Complaint against culprits (1) S. Gurbax Singh I/ o Village Machroli Distt. Kurukshetra 136135 Mob. No. 9995379158 2. Satpal Fauji rlo Village Machroli Distt. Kurukshetra 136135 3. Arun Kansal so sh. Jagdish ro Savido Distt. Jind Mob. No. 9896180040, 73577679063.90344210208, 7206867948, 784087477, 9991803944*

(4) Mohit Kansal slo Jagdish rlo Safido Distt. Jind 126112 Mob. No. 9996527001, 9729315180, 5. Harish Vijay slo Sh. Ishwar Dass Pan Card No. ARIPV9893M Voter ID, No. HR/03/18/456197 dt. 9.10.1994 CA VO 8267978175, 7357764290, 7027030686, 9896833210, 9990830704, 7351918472 6. Shashi Bala d/o Ishwar Dass rlo Aggarwal Mandi Panipat Voder 1. D. Card No. CHN1919588 DT. 31.8.1994 7. Ravin Bala d/o Sh. Ishwar Dass Adhar Card Enrolment No. 050/41188/00514 Adhar Card No. 8375/5565/9282 8. Suraipal Nambardar Mob. No. 9996057692 presently working Tehsil Panipat 9. Kapil s/o Sh. Brijesh ro House No. 147 Block A Khanpur Devli Rose Jawahar Park Delhi. Sir, applicant stated that applicant Brij Mohan @ Mohan Gupta slo Late Sh. Rameshwar Dass residing at H.No. 92/5 Mohan Nagar Papli Road Kurukshetra Haryana. (2) That on December 2013 accused Arun Kansal Gurbaksh Singh and Satpal Fauji came at my shop cum flat and they said that the land in khewat no. 475 Salam Kitle 8 area 6 bigha 18 virva khewat 477 kasra no.3284(0-12) wich is 4/5 share of 12 Bisba Bakdar 9 Bisba 12 Bishvasi and thewat No. 526 Salam Kitte 6 area 15 Bigha Biswa 7/1600 share es Baldar area 3 biswa 14 biswasi Khewat no. 1122 kitte 3 area 15 bise 59/240 bhag bakdar area 3 biswe 14 biswasi and khewat 1123 salam khtte 7 area 7 bigha 15 biswa 59/240 share bakdar area 1 bigha 18 biswa 7 biswas and khewat no. 1124 salam kitte 3 area 17 biswa 59/240 share bakdar area 4 biswa 3 biswasi total parvartit area 9 bigha 17 biswa 10 biswasi area towards Rajputan Panipat covered under the Municipal Council, Panipat warts to sell that. The owner of the above said accused Harish, Vijay. Shashi Bala and Ravi Bala authorized us for the selling of the above said land @ Rs.3.50 crores. (3) That I told them that I dọ not have such a big amount but I talk to the company who wants to purchase this land, I will contact with management of the company Nursingh Exim Ltd. at Kolkata and if they authorized me for the purchase of their land then I will contact you. (4) That the accused Gurbax Singh, Satpal Fauji and Arun Kansal satisfied me that the above said land is free from any type of loan and there is no dispute of any type on the above said land and neither there is any loss in the purchase of above said land. That on the satisfaction of the accused and according to their wording I contact with Nursingh Exim Ltd. at Kolkata Company and the company is ready to purchase the half of the share from the above said land. During this period accused no.1, 2 and 3 had met me for so many times and they contacted on my mobile phone No. 9416481924 and told that. the owner is pressurize for the deal. (5) That the accused no.1, 2 and 3 convince me and accordingly I met with the Nursingh Exim Ltd. at Kolkata Company and the company as per the board resolution dated 19.12.2014 authorized me to purchase above said land. Copy of the resolution is attached herewith. (6) That the accused no. 1/2/3/4 taken the accused No.5 at my shop cum flat for so many times and I went to meet the

accused no.5 along with accused no. 1/2/3/4 went to the house No. 2208, Sector 9, Housing Board Colony Ambala City and House No. 185 K.D. Block Pritampura Delhi in Vehicle No. DL 3CBL6719 ALTO WITE COLOUR and vehicle no. HR 33C 0404 SPARK. Accused No.5 given his bank account no. 66790201000865 of Union Bank of India of Kamal Branch and told that to deposit the selling amount in this account number or be deposit in account No. 15460100037976 of Federal Bank situated at Harpreet Plaza, Batak Chowk, G.T. Road, Panipat. Accused no.5 also told that to deposit the share of the amount of his sisters i.e. accused no.6 Shashi Bala and accused no.7 Ravi Bala in his bank account and convince me that for the registry of the above said land accused no. 5, 6 and 7 will be present before the Registrar in favour of the company and my wife and the registry of the above said land will be executed in the name of the company and his wife. (T) That afterwards my wife and the company deposited the following amount on the following dates in the bank account of accused no.5. Date, mode of payment and the name of the bank in which the amount is deposited i.e. 15.9.14 RTGS Rs. 5000000/- AXIX BANK NARSINGH EXIM LTD. 19.9.14 RTGS Rs.5000000/-, DO- 19.9.14 RTGS Rs.5000000/- 22.9.14 RTGS Rs.5000000/- 30.10.14 RTGS Rs. 1000000/ - 14.11.14 RTGS Rs. 4000000/ - 14.11.14 CHEQ NO. 10062071 4000000/ - FEEDERAL BANK PRABHA RANI GUPTA 14.11.14 CHEQ. NO: 100662072 2000000/- FEEDERAL PRABHA RANI GUPTA 14.12.14 CHEQ N 10062074 4000000/- FEDERAL BANK PRABHA RANI GUPTA 5.1.15 CHEQ 10062076 POST DATED Rs. 1000000/- FEEDERAL BANK PRABHA RANI GUPTA. (8) That on 14.11.2014 accused no. 3/5/6/7 came at Hotel Lezaim, G.T. Road, Panipat and stayed at Room No.302, where I met with them and handed over cheque no. 10062074 post dated 14.12.2014 for sum of Rs. 1000000/ - and cheque no. 10062076 post dated dated 5.1.2015 amount to Rs. 1000000/- to the accused no. 4/5/6 which was of my wife Prabha Rani Gupta account and was issued by Federal Bank. Thereafter, they drop me in the office of Tehsil for executing the registry, where, accused no.8 Suraj Pal and accused no. 9 Kapil so was met with me. They told me that they are known to accused no. 5/6/7 and will execute the registry of above said land and thereafter, they take me to Sham Lal Gupta, Advocate whose sitting is at Tehsil Panipat and Court Compound, Panipat, who was ready to write the sale deed. (9) That Smt. Prabha Rani Gupta issued a cheque No.21.011241- of dated 1.9.2014 for Rs.1,50,000/- from her account no. 912401 issued by Punjab National Bank and cheque no. 008861 dated 1.9.2014 from account no. 601124 of Central Bank of India spent. Later the registry of the above said land was registered in the name of my wife Prabha Rani and Nursing Exim Ltd. at Kolkata Company. (10) That from the news article it came into my knowledge that the accused in connivance with each other commit a fraud with the company and wife Prabha Rani, therefore, you are *requested to investigate the above said matter and take the legal action accused the accused persons. (11) That the accused has not deposited the cheque amounting Rs.40,00,000/ - till date and they have taken the cheque of Rs.10,00,000/ - of dated 5.1.2015 and given the threat for handed over the cheque of amounting Rs.30,00,000/ - but the balance amount of Rs. 30,00,000/-was fixed by them which is to be handed over after two months but I told to refuse to hand over the money to them because they commit a fraud with the company and my wife Prabha Rani, accused no.4 and 5 continuously given a threat to me and my family to kill US, filed a police complaint against them. (12) That the accused shown the following documents for making the registry, copy of the documents are attached herewith i.e. 1. Sale deed dated 14.11.14 mark B-2. Copy of Aadhar card of accused Ravi Bala mark C-3. Cop of driving licence of accused no.9 Kapil Mark D-4. Copy of Pan Card of accused No.5 Harish Vijay Mark E-5 Copy of ration card of accused no.5/6/7 Mark F-6. Copy of bank statement of Nursingh Exim Ltd., at Kolkata and Prabha Rani mark G. Today the above said complaint No.193 Peshi dated 19.2.15, 84 Peshi dated 30.01.15, 88 Peshi dated 2.2.15, diary No.345 dated 13.1.15, 108 SPR dt. 8.1.15 after the investigation by the DSP City Panipat is received in police station through post and after the receiving of the above said complaint the offence u/s 406/420/120B IPC is made out and the FIR got registered by ASI Baljeet Singh. During investigation, the record collected from Tehsil Panipat and with regard to verification of Voter I.D. Card and Aadhar Cord record collected from the office of District Election Commission office and Unique Identification Authority of India Regional Office Sector 139-141, Sector 17-C, Chandigarh 160017 and accordingly Sections 467/468/471 IPC added in this FIR on 05.03.15 from Federal Bank Panipat the account record of Harish Vijay, Brijmohan, Laxmi Devi and Parbha Rani collected and from Axis Bank Safido the Bank record of Arun and Mohit collected. On 25.03.15 the complainant Brij Moan joined in the investigation and his statement recorded under Section 161 Cr.P.C. Brij Mohan recorded in his statement that the real name of Harish Vijay is Aash Mohd ® Bablu @ Aashu son of Farug, caste Tayagi Musalman, R/o Ashok Vihar Colony, Panipat, Kutani Road, Near Khanna Tubewell, Panipat and the real name of Ravi Bala is Pinki wife of Rinku R/o Jagadhari Gate Ambala, and the real name of Shashi Bala is Meena Kumari D/o Roopchand, R/o Pankharpur, near Derabassi, District Mohali, Punjab, thereafter during the course of investigation as carried out by ASI Devender Kumar CIA-2, after collecting sufficient evidence against all these accused namely Pinki @ Lovely @ Priyanka D/o Rinku, Caste Rajput, R/o H.No.2513, Ward No.2, Kajiwara, Jagadhari Gate, P.S. City Ambala and Meena W/o Roop Chand, Caste Baniya, R/o Pankharpur, SAS Nagar P.S. Derabassi, District Mohali, Punjab, as per law they have been arrested and their 2 days* *police remand has been taken. On 11.12.15 the accused Suraj Pal son of Maman Ram. Caste Balmiki, R/o Bhainsawala, after collecting sufficient evidence against him, he has been arrested as per law and presented him in the court on 12.12.15. The accused Pinki @ Lovely @ Priyanka D/o Rinku, Meena W/o Roopchand and Suraj Pal son of Maman, against these accused challan prepared and presented in the court on 04.02.2016. The remaining accused has yet to be arrested in this FIR. Thereafter this FIR has been investigated by Insp. Bharat Bhushan, District Inspector Panipat. During investigation the Purchaser Narsingh Exim Ltd. At Kolkata and Parbha Rani Gupta wife of Brij Mohan Gupta, Brij Mohan Gupta, Laxmi Devi mother of Brij Mohan Gulpta and seller fake Harish Vijay, Arun Kansal companion of fake Harsh Vijay, their accused statements perused and it has been found that from the account No.52014091500051626 of Narsingh Exim Ltd. On 15.09.2014 Rs.50 lacs found transferred through RTGS in the account No. 15460100037976 of fake Harish Vijay and on same day from the account No. 15460100037976 of fake Harish Vijay Rs.50 lacs found to be deposited in the account No.15460100038388 of Laxmi Devi mother of Brij Mohan and on same day in the account No. 15460100038172 of Brij Mohan Gupta Rs.50 lacs found to be deposited and on 19.09.2014 Rs.50 lacs found to be deposited in the account No. 15460100037976 of fake Harish Vijay and again on same day this money found to be deposited in the account of Laxmi Devi mother of Brij Mohan from the account of Harish Vijay and again this same amount again found to be deposited in the account of Brij Mohan from the account of Laxmi Devi. On 22.09.2014 Rs.50 lacs found deposited through RIGS from the account of Narsingh Exim Ltd. In the account of fake Harish Vijay's account No. 15460100037976 and on same day this money found to be deposited in the account of Laxmi Devi mother of Brij Mohan from the account of fake Harish Vijay and further on same day it is found that the same money has been deposited in the account of Brij Mohan from the account of Laxmi Devi mother of Brij Mohan, then on 30.10.2014 Rs.10 lacs found deposited in the account of fake Harish Vijay through RIGS by Narsingh Exim Ltd. And again on 14.11.2014 found deposited Rs.40 lacs in the account of Parbha Rani wife of Brij Mohan Gupta from the account of fake Harish Vijay and on same day Rs.20 lacs found deposited in the account of Laxmi Devi mother of Brij Mohan from the account of fake Harish Vijay and then again found that on 14.11.2014 the same amount found deposited in the account of Brij Mohan from the account of Laxmi Devi and again found that on 14.11.2014 Rs.20 lacs deposited in the account of fake Harish Vijay from the account of Parbha Rani wife of Brij Mohan Gupta and further on same day Rs.40 lacs found to be deposited in the account of fake Harish Vijay and on same day again found that Rs.40 lacs deposited in the account of Santosh Devi mother of Arun Kansal R/o Safido from the account of* *fake Harish Vijay. On 05.01.2015 Rs.10 lacs found deposited in the account of fake Harish Vijay through RTGS and further on same day the same amount of Rs.10 lacs found transferred in the account of Laxmi Devi mother of Brij Mohan and further found that on same day this amount of Rs.10 lacs transferred in the account of Brij Mohan from the account of Laxmi Devi mother of Brij Mohan and further on same day it is found that Brij Mohan has deposited this amount of Rs.10 lacs in the account of his wife Parbha Rani. Again on 05.01.2015 Rs.22 lacs found deposited in the account of Harish Vijay through RIGS and on same day in the account of Laxmi Devi mother of Brij Mohan Rs.20 lacs and 10 lacs found transferred from the account of fake Harish Vijay and on same day Rs.20 lacs found deposited in the account of Brij Mohan Gupta from the account of Laxmi Devi and further on same day Rs.10 lacs found deposited in the account of fake Harish Vijay from the account of Parbha Rani Gupta and further on same day Rs.10 lacs found transferred in the account of Laxmi Devi mother of Brij Mohan from the account of fake Harish Vijay and further on same day it is found that Laxmi Devi transferred Rs.20 lacs in the account of Brij Mohan Gupta. In this way the purchaser and seller found connived with each other and thus the investigation of this FIR got conducted through Area Officer Shri Dalbir Singh HPS DSP City Panipat and as per the report of Area Officer the owner of this disputed land is Harish Vijay son of Ishwar Dass Jain, R/o H. No.1460, sector 44-B, Chandigarh has been joined on behalf of State and the further investigation in the FIR has been carried out and on 16.02.2016 the real owners of this dispute land involved in the FIR i.e. Harish Vijay son of Ishwar Dass Jain, R/o H.No. 1460, Sector 44-B, Chandigarh and his sister Shashi Jain D/o Ishwar Dass Jain, R/o H.No.1460, Sector 44-B; Chandigarh and Ravi Bala Jain D/o Ishwar Dass leo gainy R/o H.No. 1460, Sector 44-B, Chandigarh have been joined in the investigation and their statements recorded under Section 161 Cr.P.C. and the real Harish Vijay joined in this FIR and he has been made a party and thereafter in this case the further investigation carried out by INSP Rishikant Station House Officer, Police Station Raai, District Sonipat as per the orders of senior officials. During investigation the accused Aash Mohd @ Aashu @ Ballu son of Faruq, caste Tayagi Musalman, R/o Ashok Vihar Colony, Near Khanna Tubewell, Panipat, now R/o Vidya Nand Colony, Panipat, Sanoli Road, Panipat, his search conducted. During investigation every efforts made in order to arrest the accused named in the FIR namely Aash Mohd ® Ashu @ Ballu, but he with intention to secure himself from his arrest, he became underground, on this, on 13.01.2017 his arrest warrant got issued through CJM Panipat and on 22.02.17 again tried its level best to get issue the arrest Warrant, but even then also this accused could not apprehended and on 18.05.2017 the Warrant of arrest got issued and on completion of warrant on 18.05.17 proclamation issued to the accused Aash*

*Mohd @ Ashu @ Ballu on 18.05.17 for 18.07.17 and due to continuance of proclamation on 18.07.17 SI Ramphal has recorded his statement in the court of CJM Panipat with regard to the proclamation of accused Aash Mohd @ Ashu@ Ballu, where the direction issued to present the accused in the court upto 25.08.17 and thereafter on 25.08.17 the accused declared PO and the certified copy of PO * • Order has been obtained. Sufficient evidence comes on record for the purpose of filing challan against accused Aash Mohd @ Ashu @ Ballu. In this FIR the supplementary challan of PO to the accused Aash Mohd ® Ashu ® Ballu son of Farug, caste Tayagi, Musalman, R/o Ashok Bihar Colony, Panipat, Kutani Road, Near Khanna Tubewell, Panipat has been given in the court on 12.02.2018 and thereafter the PO Staff Panipat brought the accused on production warrant from Mujaffarnagar Jail and presented him in this court and SI Suresh Kumar has obtained permission from Ld. Court for joining him in the investigation and arrested him as per law and by presenting the accused in the court his 2 days police remand has been obtained. During his remand in custody the accused as recorded his disclosure statement on 15.11.2020 and on 15.11.2020 the accused presented in the court and further his remand extended upto 18.11.2020. On 15.11.2020 the physical checkup of accused Aash Mohd got conducted in the government hospital Panipat and while conducting his Covid-19 Test, due to blood vomiting, the doctor's referred him to PGIMS Rohtak and on 15.11.2020 itself the accused got admitted in PGIMS Rohtak and on 18.11.2020 the accused Aash Mohd got discharged from GIMS and due to his serious health condition, enquiry has not been carried out from him and the accused got presented in the court and then he has been sent to Judicial Jail Panipat. On 06.01.2021 the production warrant of accused got issued and on 06.01.2021 the accused Aash Mohd presented in the court and then the permission obtained from the court for joining him in the investigation of FIR. During investigation the accused Aash Mohd has recorded his aforementioned disclosure statement. As per memo of disclosure statement the accused has demarcated those places, from where the fake IDs got prepared and he also demarcated the said land, which got registered by the accused by impersonating himself as fake Harish Vijay son of Ishwar Dass Jain. The memo of demarcation prepared and the accused and witnesses have put their signatures thereupon. The accused Aash Mohd. Presented in the court. In this FIR sufficient evidence comes on record in the case file and the supplementary challan of accused Aash Mohd has been prepared and presented in the court. The witnesses be summoned through summons. The other accused are yet to be arrested in this FIK, their supplementary challan shall be filed in the court. The complainant Brij Mohan Gupta is also found involved in this case along with the accused, therefore he is not keep as a witness."*

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has nothing to do with the present concocted allegations levelled against him in the FIR. He further submits that the petitioner is an illiterate person and is a labourer and does not know the complainant.

It is contended on behalf of the petitioner that he has been made scapegoat by the complainant in order to hide his wrongdoers and mislead the police authorites. He undertakes before this Court that he is ready to return the alleged amount of Rs.20,000/- , at the time he will join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State, who submits that custodial interrogation of the petitioner is not required, in the light of the undertaking given by him.

4. **Analysis & Decision**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the undertaking given by the petitioner that he will return the amount of Rs.20,000/- at the time he will join the investigation, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner. Hence, the petitioner is directed to return the amount of Rs.20,000/- to the complainant and in case of doing so he shall be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

> *'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
>
> *(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
>
> *(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
>
> *(iii) a condition that the person shall not leave India without the previous permission of the Court;*
>
> *(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.01.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*