



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-2418-2025

Date of decision: 01.03.2025

Bhupender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Arun Kumar Singla, AAG, Haryana.

MANJARI NEHRU KAUL, J.

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 and 120-B of the IPC registered at Police Station Hassanpur, District Palwal.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 13.05.2024, in a case of false implication. It is further submitted that the investigation in the present case is complete, as not only has the challan been presented, but charges were also framed on 12.09.2024, however, till date prosecution evidence has not commenced. Furthermore, it has been contended by the learned counsel that since 17 witnesses have been cited by the prosecution, there is little likelihood that the trial will conclude in the near future. Furthermore, given that the entire case against the



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petitioner is based solely on documentary evidence, there is no risk of the petitioner tampering with evidence, if he is extended the concession of bail. Additionally, it is argued that co-accused Rishika and Balmat have already been granted bail by this Court vide Annexures P-2 and P-3. Accordingly, a prayer has been made to extend the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, has not disputed the custody period of the petitioner nor has the stage of trial been disputed. However, attention of this Court has been drawn to the contents of the FIR (Annexure P-1) 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 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) incompitance 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, Nambardar, 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. On a pointed query, put to the learned State counsel, it has not been disputed on instructions, that the case of the prosecution hinges on documentary evidence which is part of the challan.



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

6. The case at hand is based on documentary evidence. Despite the challan being presented on 03.06.2024, none of the 17 prosecution witnesses have been examined till date, hence, it is unlikely that the trial will conclude in the near future. Furthermore, as the entire case is based on documentary evidence, which is now part of the challan, there is no apprehension of the petitioner tampering with evidence if released on bail.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

01.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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