IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-4156-2025
Decided on: February 11, 2025

Sandeep

…...Petitioner

Versus

State of Haryana

…...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gaurav Singla, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Amit Choudhary, Advocate,
for the complainant.

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SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Sections	Police Station	District
Sandeep s/o Tara Chand, aged about 32 years	**0011**	**11.01.2025**	**316(2), 318(4), 319 and 61 of BNS, 2023 [Ss. 319(2), 338, 336(3) & 340(2) of BNS, 2023 added later on]**	**Sector 17**	**Faridabad**

2. On 27.01.2025, following order was passed by this Court:-

"Present: Mr. Gaurav Singla, Advocate, for the petitioner.

1. Present petition has been filed by the petitioner namely Sandeep, aged about 32 years, seeking grant of anticipatory bail in case bearing FIR No. 11, dated 11.01.2025, under Section(s) 316(2), 318(4), 319 and Section 61 and (Sections 319(2), 338, 336(3) and 340(2) added later on), of the BNS, 2023, registered at Police Station Sector 17, District Faridabad.

2. Counsel for the petitioner contends that actually, petitioner was appointed as caretaker of the land in question, by its actual owner, namely Hardai. However, petitioner has no connection in any manner with the other co-accused.

3. Counsel for the petitioner further submits that complete amount of Rs. 1 crore, as stated in the FIR, has been credited in the bank account which was opened in the name of Hardai, and the said amount is still lying in the same account, as no amount has been withdrawn from it.

4. Notice of motion.

5. On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts an appearance on behalf of the respondent/State, and Mr. Amit Choudhary, Advocate, puts in appearance on behalf of the complainant, and files his vakalatnama in Court today, which is taken on record.

6. Counsel for the complainant submits that actual owner of the land namely Hardai had leased out the property to the petitioner namely Sandeep, who has connived with the other co-accused, being in possession of the property, and therefore, his custodial interrogation would be very much necessary in the case.

7. After seeking required instructions from the Investigating Officer namely ASI Devender Kumar, Police Station Sector 17, Faridabad, learned State counsel confirms the fact that the amount which has been deposited in the bank i.e. Rs. 98 lacs, is lying there in the account, and said amount has been seized, also.

8. List again on 11.02.2025.

> *9. Let status report be filed by learned State counsel on the next date of hearing, with the effect that how the fake bank account was opened and who else were involved in the said process."*

3. Today, learned State counsel has filed a comprehensive status report, dated 11.02.2025, by way of affidavit of Mr. Vinod Kumar, ACP, HPS, Old Faridabad, which is taken on record and copy supplied to the learned counsel for the petitioner. Registry to tag the same at appropriate place.

4. Learned State counsel points out that as per the investigation till now done by the police, two of the accused, namely, Rajesh and Shriniwas, have been arrested and they are still in custody. In fact, the petitioner is kingpin, who has created fake Aadhaar and PAN cards in the name of the rightful owner of the land in dispute, Hardai Devi, as well as a fake Aadhaar card for her son. Not only this, by hatching a conspiracy with other co-accused, the petitioner has also committed fraud of duping Rs. 1.62 crores, against Sachin, son of Ashok Kumar, proprietor of M/s NSM Realtech and Developers LLP, Lajpat Nagar, Delhi, by creating a fake bank account in Punjab National Bank, Tigaon Branch, Faridabad, i.e. Account No. 7405000100080999, in the name of Hardei Devi, wherein transaction of Rs. 54,00,000/- through RTGS and Rs. 44,00,000/- through cheque were made.

Further submits that the petitioner was sitting over the land belonging to its actual owner, Hardei Devi (aged about 76 years), on lease hold basis, for the last 15 years. The original documents are also in his possession, and for recovery of the original as well as forged documents used in the alleged fraud, custodial interrogation of the petitioner is essential. Thus, prays for rejection of the prayer for grant of anticipatory bail to the petitioner.

5. As per the case of the complainant, accused persons have hatched a conspiracy to grab the property in question by showing only money transaction. In Para Nos. 4 to 7 of the status report, dated 11.02.2025, role of the present petitioner has been mentioned in detail, and the same being relevant are reproduced as under:-

> *"4. That it is apt to submit herein that the Petitioner is the main accused in the present FIR. The Petitioner created fake Aadhaar and PAN cards in the name of the rightful owner of the land, Hardai Devi, as well as a fake Aadhaar card for her son. Furthermore, the Petitioner is accused of fabricating a fake human replica of Hardei Devi to fraudulently sell 3 acres of her land and executing a fake agreement for the transaction.*
>
> *5. The Petitioner has committed fraud against Sachin, son of Ashok Kumar, proprietor of M/s NSM Realtech and Developers LLP, Lajpat Nagar, Delhi. The Petitioner, in conspiracy with other co-accused has hatched a conspiracy for duping Rs. 1.62 crores from Sachin by creating a fake bank account in the name of Hardei Devi (Account No. 7405000100080999, PNB Bank, Tigaon, Faridabad). Out of this amount, Rs. 54 lakhs were received through RTGS, and Rs. 44 lakhs via cheque. It is further submitted that the co-accused, Rajesh, son of Ramsaran, has been arrested, and a recovery of Rs. 20 lakhs has been made. That the bank account in which the alleged transactions took place has been frozen, and the complainant has successfully stopped the payment of the cheque amounting to Rs. 44,00,000/-. Copy of subsequent disclosure statement of co-accused Rajesh dated 13.01.2025 is appended herewith as **Annexure R-1**.*
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> *6. That a plain reading of the statement of Hardei Devi reveals that the Petitioner had been taking care of the disputed land for the past 15 years. However, it was Sandeep who, driven by greed, illegally sold land of*

Hardei Devi by forging documents, creating a fake bank account, and executing a fraudulent agreement. It is apt to submit herein that ***the Petitioner used to obtain Aadhaar card of Hardei Devi under the pretext of updating it and for carrying out online processes related to the sale of crops and compensation for crop losses. By doing so, the Petitioner managed to open a forged bank account in the name of Hardei Devi.***

It is respectfully submitted that on 29.01.2025, a notice bearing Sr. No. 41-5A was issued to Sh. Pankaj Kumar, Branch Manager, Punjab National Bank, Tigaon, Faridabad, regarding the fraudulent opening of Bank Account No. 7405000100080999 in the name of a fictitious person, Hardei. In response, the Branch Manager, Sh. Pankaj Kumar, provided a SOP outlining 10 points, but the SOP does not acknowledge any fault or negligence on the part of the bank staff or himself. As per the statement of Sh. Pankaj Kumar, there are two methods for opening an account: ***E-KYC*** *and* ***Non-E-KYC****. The account in question was opened using the* ***Non-E-KYC*** *method because Hardei, as per Aadhaar details, was a 67-year-old woman whose thumb impression could not be captured due to faint fingerprint lines. Consequently, the* ***Non-E-KYC*** *– process was followed, where the application was sent to the back office, and after verification, the account was processed and opened at the concerned branch.*

Therefore, the present petition is liable to be dismissed. A copy of statement of Hardei Devi dated 20.01.2025 is appended herewith as ***Annexure R-2****.*

7. That the ***arrest of the Petitioner is essential for the recovery of forged documents used in the alleged fraud. The Petitioner is the prime accused*** *who orchestrated the conspiracy and executed the fraudulent transactions. His custodial interrogation is necesary to uncover further evidence and identify other co-accused involved. In view of the gravity of the offence and the financial loss suffered by the complainant, the Petition deserves to be dismissed, and appropriate directions for arrest of the Petitioner may kindly be passed."*

6. This Court does not find any sound reasoning to doubt the investigation at this stage, and *prima facie* finds that being occupier of the property in dispute, the petitioner was in a strong position to defraud and play with the interests of the actual owner, Hardai Devi, who is stated tobe aged about 76 years.

7. In totality of the facts and circumstances noticed and discussed hereabove, this Court does not find any merit in the present petition for grant of concession of anticipatory bail to the petitioner. Accordingly, the present petition is **dismissed**.

(SANJAY VASHISTH)
JUDGE

February 11, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/~~NO~~**
Whether Reportable: **~~YES~~/NO**