

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

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CRM-M-3959-2025***Date of decision: 14.05.2025***

Anita

*.....Petitioner**Versus*

State of Haryana

*.....Respondent***CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Azad Khan, Advocate for the petitioner.
Mr. Rajat Gautam, Addl.AG, Haryana.

MANJARI NEHRU KAUL, J (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.129 dated 15.08.2024 under Sections 406,420,506,120-B IPC registered at P.S Machhroli, District Jhajjar.

2. Learned counsel for the petitioner submits that in a magistrial trial, the petitioner has been in custody since 21.12.2024. It has been further asserted that the investigation in the present case is complete as not only the challan has been presented but even the charges stand framed. Learned counsel has submitted that in the facts and circumstances of the present case, no useful purpose would be served by keeping the petitioner behind bars any longer as there can be no apprehension of the petitioner tampering with evidence since the entire evidence collected against the petitioner is documentary in nature. In addition, it has been argued that false and fabricated allegations have been levelled against the petitioner of having executed sale deed in respect of the land in question which had already been sold by her prior in time in favour of one Harish Chander.



3. Per contra, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that the entire case of the prosecution hinges on documentary evidence which is part of the challan. On further instructions, he has submitted that the next date fixed before the trial Court is 02.06.2025 when the prosecution evidence is likely to commence. However, learned State counsel has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder: -

“To, SHO Sahib, Police Station Machhroli, District Jhajjar. Complaint for taking application against Anita daughter of Magha Singh village Luhari, currently residing in village Rathiwas district Mewat, Anita son of Ramnath, Anita Singh son of Rajendra Singh resident of Rathiwas District Mewat Sir, the applicant requests that the applicant Yashoda wife of Laxman Singh resident Luhari is a permanent resident of district Jhajjar. Accused Anita Devi is daughter of our village Luhari, who lives in village Rathiwas with her maternal grandfather Jahar Singh, accused Anita is also a resident of Rathiwas. Accused Anita and Anita Singh work as property dealers, all the above accused keep coming and going to village Luhari and all of the above are well acquainted with my husband. In October 2023, all the above accused came to our house and Anita said that I have land in village Luhari which I want to sell, you can buy it, then all the above accused showed us a jamabandi in which Anita was the owner of 4 kanal land. so I and my relative Deepak Chauhan son Krishna resident Thora made a deal of 4 kanal land with Anita and on 23.10.2023 gave a cheque no. 000031 dated 23.10.2023 for the amount 2,50,000/ Rs. Cheque no. 000032 dated 23.10.2023 for the amount 1,50,000 without deposit to Anita and on 23.01.2024 accused Anita got done a registry 6362 in for my and Deepak's name and the balance amount was paid through cheque no. 000106 dated 23.01.2024 amount 3,75,000/-, cheque no. 081101 dated 23.01.2024 amount 3,75,000/-, cheque no. 81102 amount 150,000/- and received 2 lakh rupees in cash. The amount of all the above cheques was transferred to the account of accused Anita, the amount remained



unpaid, for which the bank statement is attached. It is that after getting the registry done, Intakal No. 7605 was registered in the name of me and Deepak Chauhan, but on 26.03.2024 our Intakal No. 7605 was rejected by the Tehsildar sahab and said that the registry is wrong because accused Anita owns the land. She is not the owner of the land. Then I verified myself and found out that accused Anita had already sold all her land on 01.07.2010 through registry no. 1229 to Harichand son of Atar Singh son of Patram resident of 25B. Sector 23 Dwarka New Delhi and whose Itkal no. 5628 was also registered. Then I and Deepak told the accused about the fraud done with us, then accused Anita said that she will return our money, all the above accused have connived with each other and prepared a false Fard and took our money, all the accused have cheated us with a conspiracy, on the day accused Anita got the land registered in our name, she was not the owner of the land, now when I ask the above accused to return my money, they are threatening to kill me. Therefore, I request you to take legal action against the above accused and get my money back. SD Yashoda applicant ”

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

5. In a magisterial trial, the petitioner has now been in custody since 21.12.2024. As many as eight witnesses have been cited in the present case. The prosecution evidence is yet to be recorded and therefore the possibility of the trial concluding in near future does not arise. Since the entire case of the prosecution hinges on documentary evidence, there can also be no apprehension of the petitioner tampering with evidence. In the facts and circumstances as enumerated hereinabove, this Court, therefore, deems it fit to extend the concession of regular bail to the petitioner.

6. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



7. 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 here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 14, 2025
manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No