



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

211

CRM-M-4301-2025

Date of decision: February 15th, 2025

Siddharth

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Babbar Bhan and Mr. J.S. Rana, Advocates
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in
FIR No.341 dated 28.12.2022 under Sections 406/420/467/468/471
of the IPC, registered at Police Station Sadar, Ambala.

2. Mr. Gurmohan Singh Bedi, Advocate, has entered
appearance on behalf of the complainant and filed his power of attorney,
which is taken on record.

3. Learned counsel for the petitioner submits that in a
magisterial trial, the petitioner has been in custody since 31.10.2024;
investigation is complete as challan stands presented and even charges
stand framed, however, none of the 15 prosecution witnesses have been
examined so far. Hence, the possibility of the trial concluding in the
near future does not arise. It has still further been submitted that a
perusal of the allegations levelled in the FIR, which has been annexed
as Annexure P-1, reveal that it is essentially a civil dispute between the

parties, which for reasons but obvious, has been twisted to be given a criminal colour. It has also been argued by the learned counsel that a civil suit for specific performance has already been filed by the complainant party before Court of competent jurisdiction at Ambala.

4. Learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the allegations levelled in the FIR in question, which stands reproduced hereinunder:

“The copy of the letter is as follows: To, The Hon'ble Home Minister, Haryana, Respected Sir, I, Jagjeet Bhola, son of Shri Chaudhary Mal, resident of House No. 97, Sector 08, Police Station Sector 09, Ambala City, and a jeweler by profession, humbly request your attention. I have been acquainted with Siddhaya, son of Kaushal, resident of House No. 31, Saraswati Nagar, Singhawala, Police Station Sadar, Ambala, for a long time. He was someone who regularly purchased gold and other items from us. He offered to sell Plot No. 56, Saraswati Nagar, Singhawala, to us, showed us the plot, and we agreed to purchase the said plot for Rs. 28,00,000. An agreement was made with Siddharth and his mother Kamini, and the date for the registry was set for 28th February 2022. It was the responsibility of the seller's side to obtain the NOC from the concerned department for the registration. In reference to the sale of the plot by the defendants Siddharth and Kamini, an agreement was written on 27th August 2021 at the Tehsil office in Ambala. In this regard, a payment of Rs. 15,000 in cash and Rs. 3,00,000 via RTGS was made, which was deposited into the joint account number 808 601 000 30 750 of Kamini and her husband Kaushal. Subsequently, a total of Rs. 19,00,000 was deposited into the same account at different times. Subsequently, on 25th December 2021, Siddharth and his mother informed us of their urgent need for money and

requested a loan of Rs. 30,00,000. About one month later, they promised to return the said amount. In exchange, Kamini gave us a cheque for Rs. 15,00,000 (Cheque No. 371282), and Siddharth provided three cheques (Cheque Nos. 758621, 758616, 75867) totaling Rs. 15,00,000 as security. Additionally, a receipt for the money taken was also issued. Subsequently, on 25th January 2022, Siddharth called and requested Rs. 5,85,000 for registering the plot. He also arranged for us to speak with his mother, Kamini, regarding this matter. After this, both of them came to our house and handed over the original documents of the plot. When we asked for the money we had lent, they told us that they would give it to us later, as they currently needed the money, which would also need to be shown in the registry records. We then transferred Rs. 5,85,000 into the mentioned account via RTGS. Subsequently, on 28th February 2022, we went to the Tehsil office in Ambala to complete the registration, where they informed us that the NOC had not been obtained and, therefore, the date for the agreement was extended to 31st March 2022. On 31st June 2022, Siddharth's father, Kaushal, called us and informed that his son had left the house. Siddharth and Kamini have made the agreement for the plot without my consent, and they have neither Informed me about the money they received from you nor provided any account of the money. As a result, the registration cannot take place. After this, we went to the Tehsil office as per the rules and submitted an affidavit regarding our presence. Subsequently, on 7th April 2022, we deposited the cheques given by Kamini and Siddharth in the bank. At that time, it was found that the cheque number provided by Kamini did not belong to her account. We spoke to them about this, and they said that we should forget about our money, as they do not owe us anything. They also said that they would not get our registry done and threatened that their brother is the D.R.O. of Ambala, who has a lot of influence in the police.”

5. Learned State counsel, on instructions, has not disputed the custody period of the petitioner nor has it been disputed that the instant case is based on documentary evidence. Learned State counsel, on further instructions, has not disputed the stage of trial. However, counsel for the complainant has submitted that no doubt it is a case triable by Magistrate, however, the petitioner poses a flight risk; in case the petitioner is granted the concession of bail, he could not only flee the country but also abscond during trial, as a result of which the trial would be halted midway. It has also been submitted that the petitioner is involved in three other criminal cases.

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

7. As not disputed by the learned State counsel, the instant case hinges on documentary evidence, which is already part of the challan, and as already notice above, stands presented before the trial Court concerned. The likelihood of the trial concluding in the near future seems remote as the prosecution evidence is likely to commence on the next date of hearing i.e. 27.02.2025. Since it is a case resting on documentary evidence, there can be no apprehension or possibility of the petitioner tampering with evidence in case he is enlarged on bail. As far as the contention of the counsel for the complainant is concerned that the petitioner could flee the country or even abscond during trial, stringent conditions can always be imposed by the CJM concerned while admitting the petitioner to bail.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

February 15th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No