



Ranvir Singh Yadav. In respect of said plot, Gambhir along with his companions got executed Sale Deed No. 7281 dated 26.07.2019 by way of impersonating some other lady as Mrs. Raj Kumari Yadav, who was identified by S.C. Arora and R.K. Gupta. Prayer was made to take legal action. Thereupon, the case FIR No. 100 dated 21.04.2021 u/s 419, 420, 467, 468, 471, 120-B IPC was registered at P.S. Sushant Lok, Gurugram.

3. That the investigation of the present FIR was conducted by ASI Narpal, SI Chunni Lal and thereafter by the SIT constituted by the Commissioner of Police, Gurugram. Now, the investigation is being conducted by the deponent SI Ajaypal, EOW-II, Gurugram (member of the SIT). During the course of investigation, the certified copy of the fraudulent sale deed no. 7281 dated 26.07.2019 was obtained. It came forth that the petitioner Gambhir had purchased the plot in question for Rs. 3,22,50,000/- and he has also been found to have availed a loan of Rs. 2,49,16,870/- from AU Small Finance Bank. The amount of loan was credited in account no. 1911211823197263 (AU Small Finance Bank) of fake Rajkumari Yadav and the amount of Rs. 1,14,58,250/- was got transferred by the petitioner Gambhir in account no. 1501009300150265 (PNB) of his firm i.e. Shri Ganesh Trading Company from the above mentioned account of fake Rajkumari Yadav. The petitioner Gambhir also deposited the installment of Rs. 1,49,860/- of home loan after obtaining from Rajkumari Yadav paid till November 2019.

4. That it further came forth that the fake Rajkumari Yadav has transferred the amount of Rs. 1,36,90,000/- in the account of fake Ajay Sehgal. The petitioner Gambhir had purchased a plot no. C- 955, Sushant Lok, Gurugram from the said fake Ajay Sehgal for Rs. 4 Crores on 26.06.2019 for which he has availed a home loan of Rs. 3,96,00,000/- from Piramal Capital and Housing Finance, for which another FIR No.287 of 2021 u/s 419, 420, 467, 468, 471, 120-B IPC is registered at P.S. Sushant Lok, Gurugarm."

4. Counsel for the petitioner submits that the petitioner has neither opened the bank account in the name of the lady-Rajkumari Yadav nor he knew about her prior to the date of registration of the sale deed. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portion of the reply, which reads as



follows:

"xxx xxx xxx xxx

14. That the role of the petitioner Gambhir in the present case and the evidence against him is that he, in connivance with the other above named accused, fraudulently purchased plot no.76, Block-C, Sushant Lok Phase-I, Gurugram by impersonating some lady fake Rajkumari Yadav as seller by way of sale deed no.7281 dated 26.07.2019, whereas the real person Rajkumari Yadav had already died on 13.11.2016. The petitioner had also availed a loan of Rs.2,49,16,870/- from AU Small Finance Bank. The amount of loan was credited in account no.1911211823197263 (AU Small Finance Bank) of fake Rajkumari Yadav and from the said account, the amount of Rs.1,14,58,250/- was got transferred by the petitioner Gambhir in account no.1501009300150265 (PNB) of his firm i.e. Shri Ganesh Trading Company. The petitioner is by name accused in the present FIR."

REASONING:

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
8. Per the custody certificate dated 18.04.2025, the petitioner’s total custody in this FIR is 05 month and 02 days.
9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.



14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.***

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

29.04.2025
renubala

(ANOOP CHITKARA)
JUDGE

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