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

**CRM-M No.23212 of 2025 (O&M)
Date of Decision: 26.05.2025**

Rizwan @ Rijwan

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sartej Singh Narula, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

CRM-22054-2025

Allowed as prayed for. Statement of PW9, Rohtash
(complainant) recorded on 14.05.2025 is ordered to be taken on record as
Annexure P-11.

CRM-M No.23212 of 2025

1. Present second petition has been filed praying for the grant of
regular bail to the petitioner in case bearing FIR No.10, dated 20.01.2024,
under Sections 406, 420, 467, 468, 471 and 120-B of IPC, 1860,
registered at Police Station Sanoli, District Panipat, Haryana (Annexure P-
1).



2. Succinctly the facts of the case are that the complainant, namely, Rohtash, has lodged the FIR for taking legal action against the accused, namely, Daud Ali, Parvez, Mulki, Tanveer and Rizwan. As per the allegations made by the complainant in the FIR, he was defrauded by the accused, Daud, Parvez and Mulki by taking Rs.29,00,000/- from him for the sale of plot. The agreement to sell was shown by the accused to the complainant, which was found in the name of petitioner, namely, Rizwan @ Rijwan. However at the time of execution of sale deed, it was Rizwan @ Rijwan, i.e. the petitioner, disclosed that he had never executed any agreement as has been presented before him by the co-accused, namely, Daud, Parvez and Mulki. The complainant found himself cheated by all the accused in conspiracy and thus, he made a request for taking the legal action against all the accused. On registration of the FIR, the investigation commenced. The petitioner was arrested on 03.05.2024. On completion of the same, the challan was presented and on framing the charge, the trial Court commenced with the trial. The petitioner approached the Court of learned Additional Sessions Judge, Panipat praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Panipat declined the petition filed by the petitioner vide order dated 27.02.2025. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-31702-2024 praying for the grant of bail, however the same was dismissed as withdrawn vide order dated 28.11.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present second petition praying for the grant of regular bail.



3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that from the allegations made in the FIR, it is evident that the agreement, if at all, was between the co-accused and the complainant and thus, the petitioner had no role regarding the same. He has submitted that admittedly the petitioner was the owner of the plot, which was projected to be sold to the complainant. He has submitted that the agreement shown to the complainant by the co-accused was never signed by the petitioner and the signature on the agreement is disputed as well. He has submitted that the offence as alleged against the petitioner in the facts and circumstances is not made out. To buttress his arguments, he has submitted that co-accused, namely, Daud, Parvez and Mulki have been granted anticipatory bail, to whom the complainant paid the money. He has submitted that the petitioner has no criminal antecedents and he is behind bars since the date of his arrest, i.e. 03.05.2024. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant however has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was the owner of the plot and he in conspiracy with the co-accused has cheated the innocent complainant. He has submitted that keeping in view the gravity of the offence, the petitioner does not deserve the concession of bail.

5. Per contra, learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. He, on



instructions from ASI Pardeep, has submitted that the petitioner was the owner of the plot and in the facts and circumstances, it is apparent that the petitioner hatched the conspiracy with the co-accused in duping the complainant for an amount of Rs.29,00,000/-. On instructions, he has further submitted that out of 23 prosecution witnesses, 09 witnesses have been examined so far. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 03.05.2024. The transaction as alleged was between the complainant and the co-accused, Parvez, Daud and Mulki. However the petitioner was found to be the owner of the plot. Co-accused of the petitioner are already on anticipatory bail. Custody certificate produced by the learned State counsel would show that the petitioner has suffered incarceration of 01 year and 18 days as on 23.05.2025. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of



bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.05.2025

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(RAJESH BHARDWAJ)
JUDGE