



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

210

CRM-M-30005-2023 (O&M)**Date of Decision: 05.05.2025**

Rajesh Chopra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Abhishek Sanghi, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

Mr. Yogesh, Advocate for
Mr. Sapan Dhir, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for seeking bail pending trial in FIR No. 20 dated 02.03.2021, registered under Sections 420, 465, 467, 468, 471 of Indian Penal Code, 1860 (for short 'IPC') [Sections 467, 468,, 471 IPC deleted later on], registered at Police Station Phase-8, Mohali.

2. Allegations are that petitioner initially sold six plots of *de facto*-complainant-Dhanwant Singh to different parties for sale consideration of Rs. 3.80 Crore; out of which, he received only Rs. 2,36,10,000/- and petitioner denied to return the remaining amount; rather threatened *de facto*-complainant to implicate him in a false criminal case. Further alleged that petitioner prepared forged and fabricated documents with an intention to sell another plot of *de facto*-complainant bearing Plot No. 9179, Aero City, Mohali.

3. Learned State counsel has produced custody certificate of



petitioner dated 03.05.2025, which is taken on record. Registry to tag the same at appropriate place.

4. Contends that civil suit No.163 of 2020 regarding Plot No. 7939, Aero City, Mohali, measuring 330 Sq.Yds. is already pending before learned Civil Judge (Sr.Div.), SAS Nagar, Mohali at the instance of petitioner against complainant and out of total sale consideration of Rs. 95 lakh, he has already paid Rs. 41,50,000/- as earnest money to the complainant.

4.1 Further contends that petitioner was arrested in the present case on 02.03.2021 and after remaining in custody for about 2 years and 03 months, he was granted interim bail by this Court on 13.06.2023.

4.2 Again contends that in pursuance of the aforesaid order, petitioner is regularly appearing before learned trial Court and challan has already been presented on 21.11.2024, but charges are yet to be considered.

4.3 Lastly contends that there is no allegation that in case petitioner is granted bail, he shall misuse the concession and/or; hamper the proceedings in any manner.

5. The above factual position is not disputed by learned State Counsel, on instructions from quarter concerned; rather acknowledged that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail in any manner.

6. Learned counsel for the complainant is also not able to dispute the above factual position, but opposed the bail.

7. Heard learned counsel for both the sides and perused the paper book.



8. This Court granted interim bail to the petitioner on 13.06.2023 in the following manner:-

*“ Learned Senior counsel while making reference to the Agreement to Sell dated 04.03.2020 (P-2) and Civil Suit No.163 of 2020 titled as **Rajesh Chopra Vs. Greater Mohali Area Development Authority and others** (P-5), contends inter alia that it is purely a civil dispute which has been given the colour of criminal litigation, in order to put pressure on the petitioner. Further contends that there is no other case pending against the petitioner.*

Notice of motion.

Mr. Ferry Sofat, Addl.A.G., Punjab accepts notice on behalf of the respondent-State and seeks time to verify the pendency of other criminal case(s) against the petitioner.

Posted on 31.07.2023.

In the meanwhile, petitioner be released on interim bail in FIR No.20 dated 02.03.2021, under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 (for short, ‘the IPC’) (Sections 467, 468 & 471 IPC deleted subsequently on 06.10.2021), registered at Police Station SAS Nagar, Phase-8, Mohali, till the next date of hearing, on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

9. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession; and/or hamper the proceedings in any manner.

10. The investigation is already completed, but charges are yet to be considered; therefore, in such a scenario, there is no justification to keep the matter pending and/or send the petitioner to custody.

11. In view of the above, present petition is allowed. Interim bail granted to petitioner, vide order dated 13.06.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary

adjournment(s).

13. The above observations be not construed as an expression of opinion on the merits of the case.

14. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

05.05.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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