IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28852-2025
Reserved on: 03.07.2025
Pronounced on: 15.07.2025

Naveen Kumar ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Siddarth, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
136	18.04.2024	Ambala Cantt. District Ambala	406, 420, 467, 468, 471, 506, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 BNSS, 2023, seeking regular bail.

2. In paragraph 17 of the bail petition, the accused declares that he is also involved in other criminal cases but details of the same have not been mentioned. However, as per paragraph 20 of the status report, the petitioner is not found involved in any other criminal case as per the police record.

3. The facts and allegations are being taken from the translated copy of FIR, which is annexed with the bail petition as Annexure P-1, which reads as follows:

> *"A complaint numbered 810-HM dated 23.12.2023 was received by Superintendent of Police Ambala Ajane Ravinder Singh son of Shri Gurmel Singh, resident of village Tundla, Tehsil Ambala Cantonment, District Ambala after investigation in the office of Deputy Superintendent of Police Ambala Cantt Bajaria Postal Police Station, which is as follows: To, Honorable Anil Vij ji sahab, Home Minister/ Health Minister, Haryana Government, Chandigarh. Subject:-Complainant against 1- Naveen Kumar son of Satbir Singh, resident of House No.267, Badi Chaupal, Thurana Hisar (Mobile No. 86030-xxxx). 2- Sanjeev Kaushik son of Vijay Kumar Kaushik, resident of House No. 291, Mehta Gali, Babyal, District Ambala (Mobile No. 94169-xxxx], 3- Amit Gautam son of Jugal Kishore, resident of village Khedanwali, Tehsil Kalka, District Panchkula, (Mobile No. 85700-xxxx] 4-Suraj Kumar son of unknown, Mobile No. 82955-xxxxx) regarding the applicant for preparing fake documents for selling the land and cheating of Rs.3,15,00,000/-, threatening to kill, threatening to implicate in false cases, complaint letter Sir, it is humbly requested that 1. That we Ravindra Singh son of Shri Gurmel Singh, resident of village Tundla, Tehsil Ambala Cantonment, District Ambala and Ravi Kumar son of Krishan Lal resident of House No.515, Village and Post Office I am a resident of Babyal, Tehsil Ambala Cantonment, District Ambala. 2. That the office of the applicants is located in Defense Colony, Ambala Cantonment in the name of HS Properties. We do the work of*

buying and selling property. 3. That accused number 2 Sanjeev Kaushik is our acquaintance who is a permanent resident of village Babyal and runs a doctor's shop in village Kardahan. And he came to us on 07-08-2023 and said that I and my associates have a piece of land Hadbast number 32, which is 8 Bigha 7 Biswa village Saddopur, located under the Ambala-Chandigarh flyover and that piece of land was sold by me and Naveen Kumar, Amit Gautam and Suraj Kumar to Rajesh son of Shri Bishan Das resident Dhillon Complex, Dhanas Chandigarh and the full amount has been paid and the full and final receipt has been taken and Rajesh Kumar's power of attorney (GPA) has been taken from Naveen Kumar and now we want to sell this piece of land. So on this, we applicants went to see the land on the spot and we liked the land. Sanjeev Kaushik had a meeting with the above Naveen Kumar, Amit Gautam and Suraj Kumar on 10-08-2023 at PWD Rest House. And we checked the land papers there on the same day and our deal to buy the land was done with the accused for a total amount of Rs.3,15,00,000/- and we gave the amount of Rs.5,00,000/- as advance to the accused and took a written receipt from the accused in this regard. Then we entered into an agreement with the above-mentioned accused on 18-08-2023 and we gave the accused a cheque of Rs.44,00,000/- and one lakh rupees in cash and the date of registration was fixed as 18-08-2024 and the remaining amount was decided to be paid at the time of registration in front of the Registrar. Out of which the accused took the amount of Rs.17,10,000/- by cheque and Rs.2,90,000/- by cheque, totaling Rs.20,00,000/- till 18-08-2023. 14. That after that, on 24-08-2023, when we went to the spot to get the land measured, we met a person named Mukesh Anand there and he told us that the land owner Rajesh lives abroad and I know this family very well and he arranged our meeting with Rajesh land owner's brother P.C. Mahajan on 26-08-2023 at Royal Palace, Ambala city. Who told us that my brother Rajesh lives in Canada and has not come to India for almost 20 years and we showed him Rajesh's power of attorney which was made in Naveen's name and the full and final receipt which the accused had given us while dealing with the land. 5. That after seeing the fake power of attorney and full and final receipt of land owner Rajesh, brother of land owner Rajesh P.C. Mahajan said that there is no photo of my brother on the power of attorney, nor is there photo of my brother Rajesh on Aadhar card and PAN card, nor is there my brother's date of birth and there is signature on these fake documents, you have been cheated. He gave us Rajesh's Canadian mobile number 1 [403] 606-xxx, on which we talked to Rajesh, he denied selling the land to the accused and denied giving any documents to the accused. Then we stopped the amount of the cheques of the outstanding amount given to the accused and talked to the accused Sanjeev Kaushik about this, he assured us that all the documents are original and we have seen them. After paying the full amount of the land, all the documents were made by the land owner Rajesh and you can get it registered in your name, but when we said that all your documents are fake, you return our amount of Rs.20,00,000/-, then the above four accused told us that the documents were original, but we refused to take the land and asked for double the amount of our amount of Rs.20,00,000/- as per the condition of advance, then the accused gave us Rs.5,00,000/- in cash and post dated cheques of Rs.35,00,000/- (in which cheques of amount Rs.15,00,000/- were given by accused Naveen, dated 01-09-2023 and dated 10-09-2023 and accused Amit gave cheques of amount Rs.20,00,000/-dated 11-11-2023). Gave the cheques and said that these cheques should be deposited in the first week of December, 2023 and believing the words of the accused. 6. That after that Vijay Kaushik, father of accused Sanjeev Kaushik came to our office and said that the cheque given to you should be deposited in the first week of December, 2023, your amount will be completed. Believing this, we did not take any action against the accused. When we deposited the cheques of accused Naveen in our bank account on 04-12-2023 and 05-12-2023, the

> *accused got the cheque amount stopped payment from the above bank with the intention of fraud. When we talked to the accused Sanjeev Kaushik about this, he threatened us that we will not return any of your money, if you ask us again about the money, we will kill you and we have very good contacts with the police and political officials, you cannot do any harm to us and neither will we return the money to you. In this way, the accused have conspired among themselves and prepared fake documents of the land owner Rajesh and cheated us and grabbed the money and have threatened to kill us. 7. That I am in danger of my life and property from the above accused, the above accused can cause any kind of untoward incident with me in the future. 8. That Sir, if any kind of untoward incident happens to me or my family in the future, the above accused will be responsible for it. Therefore, it is my humble request to you to please take the strictest legal action against the above accused regarding the above allegations and please provide security to the life and property of me, the applicant and my family members. Your kindness will be immense."*

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of 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 status report.

6. It would be appropriate to refer to the following portions of the status report, which reads as follows:

> *"17. That as far as role of the accused-petitioner namely Naveen Kumar in the commission of present crime is that the accused-petitioner in connivance with his co-accused have hatched a criminal conspiracy and prepared a forged Power of Attorney allegedly executed by Rajesh, original owner of the land and on the basis of forged Power of Attorney executed an agreement to sell dated 18.08.2023 and received earnest money of Rs.20 lacs from the complainant. Further, the accused and other co-accused with malafide intention to return the double amount of the earnest money have issued cheques which have been dishonoured and as such the accused has cheated and defrauded the complainant to the tune of Rs.35 lacs and Rs.30,000/- have also been recovered out of cheated money from his conscious possession."*

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. As per paragraph 7 of the bail petition, the petitioner has been in custody since 17.04.2025. As per the same, the petitioner's total custody in this FIR is around two and half months. 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.

8. 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.

9. 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.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.

12. 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.

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

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

15.07.2025
Jyoti-II Whether speaking/reasoned: Yes
Whether reportable: No.