

216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-36024-2024

Karan Singh @ KarnaPetitioner

versus

State of Haryana Respondent

2. CRM-M-21380-2024 (O&M)

RohtashPetitioner

versus

State of HaryanaRespondent

Date of decision : 13.02.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gaurav Grover, Advocate and
Ms. Charu Sharma, Advocate
for the petitioner (in CRM-M-36024-2024).

Mr. Nand Lal Sammi, Advocate and
Mr. Hitesh Kumar Sammi, Advocate
for the petitioner (in CRM-M-21380-2024).

Mr. Kirpal Singh Thakur, AAG, Haryana assisted by
Inspector Hanuman.

Mr. Vijay Dahiya, Advocate and
Mr. Dhananjay Singh, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

CRM-5201-2025 in CRM-M-21380-2024

Application is allowed as prayed for.

Annexure P-6 is taken on record.



Main cases

1. This order will dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Prayer in the present petitions is for grant of regular bail to the petitioners in case FIR No.51 dated 26.04.2023, under Sections 120-B, 406, 420, 467, 468, 471, 477, 201 of IPC, registered at Police Station Jakhal District Fatehabad.
3. Succinctly facts of the case are that FIR in the present case was lodged on the statement of Krishan son of Rati Ram, Subash Chander son of Bhale Ram, Baru Ram son of Bhale Ram, Jai Bhagwan son of Jagbir, Anil son of Jagbir, Rahul son of Shamsheer Singh, Shamsheer Singh son of Prema Singh, Baldev son of Mahender Singh, Sukhwinder Singh son of Mahender, Mahender Singh son of Antar Singh and Harjinder Kaur wife of Baldev Singh. The complainants namely, Rahul and Shamsheer Singh *inter alia* alleged that co-accused Vinod, Anita and Vishal had entered into an agreement to sell of their land measuring 23 kanals 12 marlas for a sum of Rs.24,50,000/- per acres and executed agreement to sell dated 04.01.2023 in their favour. On 03.01.2023, they had paid a sum of Rs.8,00,000/- in cash to property dealers co-accused Naterpal and Thakar Singh and thereafter, on 10.01.2023, 17.02.2023 and 04.03.2023, they got transferred a sum of Rs.2,00,000/-, Rs.3,00,000/- and Rs.10,00,000/- in the account of co-accused Vishal through RTGS from IDFC Fast Bank Branch, Tohana. However, they found themselves cheated as co-accused Netarpal was found missing and his shop having been found locked. They came to know that accused Rohtash is brother of



property dealer co-accused Netarpal and mobile number which is registered in the bank account is of co-accused Karna @ Karan Singh who is brother-in-law of property dealer/co-accused Netarpal. Similarly, other complainants also made complaints that they have also been defrauded by the accused by entering into the agreement to sell and thus, all the co-accused in conspiracy with each other have cheated the complainants for an amount of by preparing false and fabricated agreements to sell in favour of the complainants. On enquiry, the FIR was registered and investigation commenced. During investigation, petitioner Karan Singh @ Karna was arrested on 22.08.2023 whereas, petitioner-Rohtash was arrested on 02.08.2023. They approached the Court of learned Sessions Judge, Fatehabad praying for grant of bail however, the same were declined vide orders dated 13.12.2023 and 10.11.2023 respectively. Thereafter, the petitioners earlier approached this Court twice by way of filing CRM-M-91-2024, CRM-M-23751-2024 and CRM-M-60535-2023, CRM-M-8534-2024 however, the same were declined and hence, petitioners are before this Court by way of filing the present third petition.

4. Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely and frivolously implicated in this case. It has been contended that neither the petitioners have entered into any agreement with the complainants nor they have received any money from the complainants. They have submitted that the petitioners are not even the signatory to the alleged agreements executed in favour of the complainants. It is submitted that neither any specific role has been attributed to the petitioners nor they owned any land in their name. They



submitted that the petitioners have been roped in the present case only being the brother and brother-in-law of the main accused Netarpal who is at large. It is submitted that the petitioners are behind bars since the date of their arrest and thus, have completed incarceration of more than 1½ years. They have submitted that the petitioners have no criminal antecedents as they have never been involved in any other case. They have further submitted that despite their long incarceration, prosecution has not been able to conclude the trial. They have submitted that the dispute is purely of a civil nature which has been intentionally given a colour of criminal case. They have submitted that in the overall facts and circumstances of the case, the petitioners deserve to be granted regular bail.

5. Learned State counsel has filed the status report by way of affidavit of Mr. Jai Pal Singh, HPS, Deputy Superintendent of Police, H.Q., Fatehabad in CRM-M-21380-2024, which is taken on record. He has submitted that on the complaint filed by the various complainants, the enquiry was conducted and it has been found that all the accused in conspiracy with each other had committed serious offence. It is submitted that in all there are 06 accused out of which one is on anticipatory bail whereas 04 accused are behind bars. It is submitted that co-accused Netarpal has fled to Dubai and he is yet to be arrested. It is submitted that during investigation, the complicity of both the petitioners have been duly established. He submits that the petitioners in conspiracy with co-accused have cheated the complainants for a sum of Rs.3,43,12,187/-. He further submits that during investigation, it was found that Sim No.83072-48339



belongs to petitioner Rohtash and the said mobile was found registered in the bank accounts of co-accused. He submits that the petitioners in conspiracy with each other had defrauded the complainants for a hefty amount by making false and fabricated agreements to sell. He submits that out of 35 prosecution witnesses, 12 witnesses have already been examined. He has produced the custody certificates of both the petitioners. He thus, submits that in the facts and circumstances of the case, no case for grant of bail is made out against the petitioners and hence, both the petitions deserve to be dismissed.

6. This Court has heard counsel for the parties and perused the record with their able assistance. It is deciphered from the facts and circumstances of the case that the complaints have been filed by various complainants on which the enquiry was conducted. The petitioners in conspiracy with co-accused have been alleged to have defrauded the complainants for a sum of Rs.3,43,12,187/-. However, it has been submitted by counsel for the petitioners that neither the petitioners are signatory to the alleged agreements nor they have received any amount. It is submitted that the main accused-Netarpal has fled to Dubai however, both the petitioners are behind bars since the date of their arrest. Custody certificates produced would show that petitioner-Karan Singh has completed incarceration of 01 year 05 months and 11 days whereas, petitioner-Rohtash has completed incarceration of 01 years 06 months and 06 days as on 11.02.2025. Custody certificates further reveal that the petitioners have no criminal antecedents as they have never been involved in any other case.



7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their 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.

8. Photocopy of this order be placed on the file of connected case.

13.02.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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