

2025:PHHC:002220



212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63590-2024
DECIDED ON: 07.01.2025

SURESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Abhimanyu Balyan, Advocate,
Mr. Vikas Bairagi, Advocate and
Mr. Raina Godara, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J

1. RELIEF SOUGHT

The jurisdiction of this Court has been invoked under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023, seeking regular bail to the petitioner in case bearing FIR No. 244, dated 10.06.2024, under Sections 406, 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Civil Lines, Karnal.

2. FACTS

As per the narration in the FIR the brief facts of the case read as under:-

“Contents of FIR: At this time a complaint no. 897 peshee dated 02.05.2024 after investigation report was received from economics offence branch keth, in respect of complainant Rajrup son of Sh. Balwant Singh resident of Defence Colony, street no. 12, Kaithal against Ramesh Son of Ronki Ram resident of Chhot, currently Bhagat Singh Colony, Kaithal, Deepak Son of Ram Singh and Suresh Kumar son of Jil Singh resident of Village Dandh, Kaithal, regarding fraud of Rs. 5,50,000/- in the name of selling the plot by preparing fake documents, which is as follows: To Honourable Superintendent of Police Kaithal, Subject: about taking money by getting an agreement done fraudulently by showing wrong document. Sir, the request is that the applicant has agreed to purchase a part of plot no. 144-145 of 150 sq. yard Waka Patti Gadad Janakpuri colony street no. 10 as per the agreement dated 06.03.2024 from Deepak Kumar son of Sh. Ram Singh resident Dhand District kaithal. In which we have paid Rs. 5,50,000/- as advance money in cash at the behest of Suresh Kumar son of Sh. Jile Singh resident of Dhand district Kaithal, taking all the responsibility of the owner Deepak Kumar. The agreement for which has been made which is attached. In which it has been decided to get it done by the due date 05.06.2024. later we came to know that the said buyer has cheated us and the said people do not have any plot at the spot. It is that when the committee asked for the documents to get the ID made, they did not give us the document for many days and later they send us the family ID and Aadhar card of Suresh Kumar son of Sh. Dhuman ram resident of DeodhKhedi. When we met the real owner on suspicion, he told us that I do not have any plot there and neither have I given my documents. In this way we have been cheated and when we asked for our money back the said Deepak and Suresh kumar s/o Jile Singh threatened to kill us and said that we will not return your money, do whatever you can you cannot harm us. In this way we are facing a threat to our life and property from the said accused, who can harm anyone anywhere at any time. Therefore we request you to accept our

request and get our money back by taking strict legal action against the said accused as soon as possible, it will be your great kindness. With thanks, applicant SD Rajrup son of Sh. Balwantsingh resident of Defence colony, gali no. 12 Kaithal.”

3. **SUBMISSIONS**

ON BEHALF OF PETITIONER

Learned counsel for the petitioner has submitted that the petitioner, acting solely as a property broker, finds himself implicated in a criminal case due to a series of events surrounding the sale of a plot of land and the petitioner never claimed ownership of the plot in question at any point. The complainant alleges that the petitioner committed cheating and forgery, exploiting a clerical error involving similar names. It is further submitted that the petitioner acknowledges signing the agreement as a witness but highlights that his name was mistakenly recorded as that of the previous owner. This error was noted at the time but not corrected due to pressure from Deepak to finalize the deal. He asserts that all relevant documents were disclosed to the complainant prior to the transaction, ensuring transparency regarding ownership and prior agreements. The petitioner argues that this case exemplifies a misuse of criminal law to resolve what is fundamentally a civil matter. It is further argued that there was no *mens rea* (guilty mind) on the part of the petitioner during the signing of documents, reinforcing his position as an impartial broker rather than an active participant in any alleged wrongdoing.

SUBMISSIONS ON BEHALF OF RESPONDENT-STATE

Learned State counsel has vehemently opposes the prayer made in the present petition stating that the petitioner allegedly posed as Suresh, the original owner, during the execution of an agreement to sell dated 08.03.2024.

This includes signing the agreement and having a photograph taken at the time of registration. It is claimed that the agreement to sell, purportedly executed by Suresh in favour of co-accused Deepak, was not actually signed by Suresh. Consequently, this document is considered a forged one.

Heard learned counsel for the respective parties.

4. ANALYSIS AND CONSLUSION

The allegations against the petitioner are serious and involve multiple facets of criminal law, including fraud, forgery, and impersonation, which constitutes a significant breach of trust and legality. The reliance on documentary evidence suggests that the prosecution will need to establish a clear link between these documents and the actions of the petitioner to prove their case effectively. This situation underscores the importance of due diligence in property transactions and highlights potential vulnerabilities in real estate dealings that can lead to significant legal consequences for those involved in fraudulent activities.

Moreover, the petitioner is also involved in another case of similar nature i.e. FIR No. 119, dated 16.12.2012, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Dhand, Kaithal, as is evident from the custody certificate produced by learned State counsel, today in Court, which is sufficient for this Court to infer that the petitioner is a habitual offender, hence, does not deserve the concession of regular bail at this stage, who has suffered incarceration for a period of four months and 10 days only. Further more, keeping in view the antecedents of the petitioner, this Court is of the view that there is every possibility of tampering the evidence.

Keeping in view the afore-said facts and circumstances and nature of averments, the petitioner does not deserve the concession of regular bail. Hence, the present petition is hereby, dismissed.

07.01.2025
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>