

2025:PHHC:072371



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65079-2024
Date of Decision: 27.05.2025

Rahul Sharma ... Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Bhardwaj, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. J.S. Sohal, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.128 dated 28.02.2023 under Sections 420/467/468/471 of IPC, 1860 registered at Police Station Sector-10, Gurugram, District Gurugram.

2. Succinctly, facts of the case are that the FIR has been lodged on the basis of the statement of complainant Jeet Singh. It was alleged that he was owner in possession of the land measuring 01 Kanal 17 Marla 06 Sarsai being 1/5th share in the land comprised in rectangle No.25 Killa Number 4/3(2-12), 5(5-10), 7/1(1-6) situated in the revenue estate of village Garhi Harsaru, Tehsil and District Gurugram. He alleged that the land in question has been purchased by him from Rahul (petitioner) vide registered sale deed bearing Vasika No.5540 dated 30.05.2013 for a sale consideration of Rs.16,45,000/-. He alleged that the consideration amount was paid to the petitioner and at the time

of the registration of the sale deed, the actual possession was also delivered by the petitioner to the complainant. However, he came to know that the petitioner had sold it again to one Manoj Kumar by executing another sale deed dated 13.06.2017 in his favour despite the fact that this land has already been sold by him to the complainant. He alleged that Rahul (petitioner) and Manoj Kumar in connivance with each other had cheated the complainant in a well hatched conspiracy and thus, legal action be taken against them. On registration of the FIR, investigation commenced. During investigation, the petitioner was arrested on 18.02.2024. On completion of investigation, challan was presented under Section 173 Cr.PC and after framing of charges, the learned trial Court proceeded with the trial. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 27.05.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing petition bearing CRM-M-32308-2024 but the same was dismissed as withdrawn vide order dated 15.07.2024 (Annexure P-4). Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present 3rd petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that from the perusal of the FIR it is apparent that the dispute in the present case is of civil nature which has been given a colour of criminal nature only to harass the petitioner. He further submits that the petitioner has no criminal antecedents and is behind the bars since the date of his arrest i.e. 18.02.2024. He further submits that the material witnesses have already been examined by the trial Court. He submits that during investigation

Manoj Kumar i.e. the subsequent purchaser has been exonerated by the investigating agency. To buttress his arguments, he submits that the petitioner is ready to return the consideration amount of Rs.16,45,000/- to the complainant. He, thus, submits that in view of the above facts and circumstances, the petitioner deserves to be granted bail.

4. Mr. J.S. Sohal, Advocate puts in appearance on behalf of the complainant and has filed Memorandum of Appearance. He has opposed the submissions made by the counsel for the petitioner and submits that a conspiracy was hatched by the petitioner and Manoj Kumar knowingly that the plot has already been sold to the complainant, the petitioner further executed the sale deed in favour of Manoj Kumar. He further submits that if the petitioner is ready to return the consideration amount then the complainant is also ready to settle the matter amicably by way of mediation.

5. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that there are specific allegations against the petitioner. He had first executed sale deed in favour of the complainant and handed over possession of the land to the complainant. However, thereafter he further executed the sale deed in favour of Manoj Kumar. He submits that the petitioner has no criminal antecedents, however, on instructions he submits that out of total 23 prosecution witnesses, only 05 have been examined so far. He has placed on record the custody certificate of the petitioner.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is inferred that the allegations made by the complainant against the petitioner are regarding the execution of the second sale deed in favour of Manoj Kumar by the petitioner despite the same having been sold to the complainant in the year 2013. However, it is inferred from the arguments raised before this Court that

the petitioner is ready to return the consideration amount of Rs.16,45,000/- to the complainant. Both the sides are open for the mediation as well. On perusal of the custody certificate it is revealed that the petitioner has suffered incarceration of 01 year, 02 months & 23 days as on 26.05.2025. There are no other criminal antecedents against the petitioner.

8. The veracity of the allegations and counter 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. The parties would be at liberty to pursue their mediation for exploring the possibility of the settlement as per their convenience. Learned counsel for the petitioner submits that if the matter is resolved amicably after returning the amount, the petitioner would not agitate the possession and the title of the complainant on the property which he had already sold to him.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.05.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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