



CRM-M-59816-2025

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**114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59816-2025

Date of Decision: 30.04.2026

Neeraj Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bipin Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Akhil Godara, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Varinder Singh, Advocate and
Mr. Bachanpreet Singh, Advocate,
for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.51 dated 11.02.2025, registered under Sections 420, 467, 468, 471, 427, 448, 506, 120-B IPC, at Police Station Rajendra Park, District Gurugram.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Yajdev Yadav. It was alleged that the complainant is the owner of a property measuring 400 square yards in Tek Chand Nagar, Rajendra Park, Gurugram, purchased through Sale Deed No. 9591 dated 20.11.2017 for a total consideration of Rs.63,97,500/- from Rishi Prakash Swami. The property, initially owned by Om Prakash, was subsequently transferred to Bhupesh Kumar Gupta, Trilok Chand Gupta, and Satish Kumar Gupta through Sale Deed No. 5067 dated 18.09.2023, with mutation No.58890 approved. Subsequently, 200 square yards of the land was sold to Rishi Prakash Swami via Sale Deed No. 12656 dated 01.03.2023. Additionally, the remaining 200 square yards was



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entrusted to Rishi through Power of Attorney (POA) No. 788 dated 13.11.2017. Upon visiting the property, the complainant discovered that Manisha, Kusum, Ombir and Avish Homes had unlawfully trespassed, demolished existing structures, and commenced illegal construction on his property. Despite demands to vacate, the accused allegedly threatened the complainant with dire consequences, claiming ownership over the property but they failed to produce valid title documents. The complainant further alleged that the accused, aware of their lack of ownership, waited sometime to see that one one objected before proceeding with the encroachment. It was further alleged that Bhupesh Kumar Gupta, Satish Kumar Gupta and Trilok Chand Gupta, through their purported POA holder Priyanka Lohia, fraudulently transferred ownership rights to Deepa Kataria via Sale Deed No. 14506 dated 04.03.2024. Rishi Parkash denied executing any such POA. Subsequently, portions of the disputed property were sold to Manisha, Kusum and Ombir through various sale deeds in 2024, without providing a legitimate ownership chain. The complainant and his family were allegedly threatened by the accused, who claimed protection from criminal elements, thereby preventing them from asserting their legal rights. It is contended that the accused conspired to defraud the complainant, causing wrongful loss and unlawful gain, through fabricated documents and misrepresentation. The complainant, having suffered financial loss and deprivation of property, contends that the accused committed offenses under sections relating to forgery, cheating, criminal breach of trust, fraud, criminal conspiracy, and trespass. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced.



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During the investigation, complicity of the petitioner surfaced and hence, he was also arrayed as an accused and resultantly, he was arrested on 15.08.2025. 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 01.10.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned Senior Counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as per the case of the prosecution, the GPA regarding the plots in question was issued in favour of co-accused Priyanka, who further transferred the said plots in the name of Deepa Kataria. At this stage, it is the petitioner's wife who purchased the plot by way of sale deed dated 26.04.2024 by making sale consideration of Rs.22 lacs through bank transaction. It is further contended that another sale about the second plot was registered on 20.05.2024 wherein the consideration amount of Rs.31 lacs has been made through bank transaction only. He submits that the petitioner is the bonafide purchaser who had duly paid the consideration amount and thus, become the bonafide owner of the plots. To buttress his arguments, he contends that the civil suit regarding the same plots is also pending between the parties. He contends that co-accused Priyanka in whose favour the GPA of both these plots was issued, has already been granted anticipatory bail by this Court. He further contends that the investigation is complete and charges are framed and now further investigation is being conducted, thus, there is no possibility of the trial to



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commence as the trial Court is awaiting the outcome of the further investigation. It is contended that the case in hand is a magisterial trial and the petitioner is behind the bars since the date of his arrest. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by learned Senior Counsel for the petitioner. He has submitted that the petitioner alongwith the co-accused is habitual of making conspiracy by usurping the land of the complainant and many other similarly situated persons. He contends that in a well hatched conspiracy, the complainant's property had been usurped by the petitioner by showing the sham transactions. He, thus, prays for dismissal of the present petition.

5. Learned State counsel has equally controverted the submissions made by Senior Counsel for the petitioner. He has drawn the attention of this Court to the status report filed. He contends that complicity of the petitioner was duly proved during investigation who has played a crucial role in executing the conspiracy hatched. On instructions, he submits that challan is presented and charges are framed, however, out of total 21 prosecution witnesses, no witness has been examined so far. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the dispute in the present case is pertaining to sale of two plots. Evidently, GPA regarding these two plots was issued in favour of co-accused Priyanka, who is already on anticipatory bail. Priyanka transferred the plots in favour of Deepa Kataria and wife of the petitioner had purchased the plot by way of sale deed executed on 26.04.2024. Sale consideration



amount of Rs.22 lacs has been paid through bank transaction. Regarding the another plot, the sale deed was executed on 20.05.2024 and the sale consideration amount of Rs.30 lacs was also paid through bank transaction. It is admitted fact that civil suit regarding this property is also pending between the parties. The investigation is already complete, charges are framed and further investigation is already going on. The custody certificate would show that the petitioner has suffered incarceration of 08 months & 22 days as on 29.04.2026. It further shows that the petitioner has no criminal antecedents.

7. The veracity of the 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. 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.

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

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

30.04.2026
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No2