



CRM-M-55926-2024

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

CRM-M-55926-2024

Decided on : 28.04.2025

Chaman Saini

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms.Sonal Singh, Advocate for
Mr. J.P. Jangu, Advocate, for the petitioner.
Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.455, dated 09.09.2023, registered under Sections 419, 420, 467, 468, 471, 120-B IPC, at Police Station City Sohana, District Gurugram.

2. Succinctly, facts of the case are that FIR in the present case was lodged on the statement of Santosh wife of Kulbir Singh. It was alleged that Devendra executed the sale deed Wasika No.2065 dated 10.08.2016 for the land measuring 06 Kanals 18 Marlas in her favour. It was alleged that on 26.05.2016, she gave the seller Devendra Rs.5 lacs in cash, Rs.8 lacs through cheque dated 02.06.2016 and Rs.7 lacs through cheque dated 01.08.2016 and both the cheques were drawn on State Bank of India, Rohtak Branch. Thereafter, she sold the land to Birma wife of Rajendra on 18.03.2018 for a consideration of Rs.20 lacs, however, after some time, she came to know that Devendra from whom she purchased the land was an impostor. She had given all the money to a person, who was posing to be Devendra, and Chaman (petitioner) who used to come together. It was alleged that the sale deed on the basis of which she had purchased the land



was executed by a Devendra and his accomplice. Thus, request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 26.06.2024. He 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 21.09.2024. 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 counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner is the beneficiary nor he played any role as is evident from the allegations made in the FIR. It is submitted that the allegations made against the petitioner are totally baseless. He submits that another FIR No.36 dated 09.02.2024 was registered by the original owner in which the complainant of the present FIR was one of the accused persons and in that FIR no role was attributed to the petitioner by the original owner. He submits that the Investigating Agency has not conducted the investigation in the FIR in a free and fair manner. He submits that merely on the allegations that the petitioner had identified Devendra for opening the Bank account, no offence as alleged is made out against the petitioner. He submits that the petitioner is behind bars from the date of his arrest and the investigation already stands completed and charges are also framed. He, thus, submits that the petitioner having no criminal antecedents, deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has drawn the attention of this Court to the status report filed by way of affidavit of Abhilaksh Joshi, HPS, Assistant Commissioner of Police, Sohna. He submits that the petitioner is the main accused, who hatched the conspiracy alongwith the co-accused in defrauding the complainant. He submits that the petitioner had conspired with accused Devender Saini to make the agreement to sell by impersonation. The petitioner alongwith the co-accused Devender Saini had prepared the fake Adhaar Card etc. in the name of Devender Saini by affixing the photograph of accused SP Singh. He submits that the petitioner had given the guarantee in the account opened at Corporation Bank, Sector-14, Faridabad on the basis of fake Adhaar card etc. It is submitted that the petitioner alongwith co-accused SP Singh used the fake documents and got the sale deed Vasika No.2065 dated 10.08.2016 executed in favour of the complainant Smt. Santosh for the consideration of Rs.20 lacs by producing SP Singh to be as Devender Saini. Thereafter, the petitioner destroyed the fake Adhaar card, voter card etc, which were used in the present offence. He submits that complicity of the petitioner was duly established during the investigation. He submits that supplementary challan against co-accused Devender Saini was thereafter also filed. It is submitted that out of total 11 prosecution witnesses, only 02 witnesses have been examined as on date and thus, the trial is at the initial stage and hence, granting bail to the petitioner would prejudice the ongoing trial. He, thus, submits that there being no merit in the present case, the same be dismissed.

5. After hearing learned counsel for the parties and perusing the



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record, it is inferred that precise allegations made by the complainant are to the effect that the complainant had purchased the land on believing the petitioner, who facilitated the transfer of the land. It is the petitioner who produced the owner of the land, namely, Devendra by duly submitting his documents of identification. On the execution of the sale deed, the complainant found that person who was produced as the owner of the land, namely, Devendra was not Devendra, but he was the person, namely, SP Singh, who impersonated as Devendra owner of the land. Bank account in the name of Devendra was also opened with the help of the petitioner, wherein, money paid by the complainant, was also found deposited. During the investigation, it was found that the person produced as Devendra was an impostor, whose name was SP Singh and the documents in support of the same like Adhaar Card etc. were also forged and fabricated. As submitted before this Court, out of total 11 prosecution witnesses, 02 witnesses have been examined so far. Thus, it is apparent that the trial is at its initial stage and granting bail to the petitioner at this stage, would prejudice the ongoing trial. Keeping in view facts and circumstances of the case and the stage of the trial, this Court finds that the petitioner does not deserve the concession of bail at this stage. Thus, finding no merit in the present case, the same is hereby dismissed.

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

28.04.2025

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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No