

CRM-M-207-2025

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

CRM-M-207-2025
Reserved on: 03.04.2025
Pronounced on: 21.04.2025

Sumit Grover ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dinesh Kumar Prajapati, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
164	10.03.2023	Kotwali, Faridabad, District Faridabad (Haryana)	406, 420 IPC (Sections 467, 468, 471, 120B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 23 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the detailed facts emanating from the present case are that a complaint bearing number 5625/C.C./P dated 27.07.2022 addressed to The Office of Commissioner of Police, Faridabad regarding the financial fraud was made by Smt. Meena Devi and the facts are that:

"To The Police Commissioner, Sector-21-C, Faridabad. Subject: Complaint against accused No. 1 Sumit Grover R/o Flat/H.No.1F/106, NIT-1, 33 Feet Road Wide New Industrial Township, near Canara Bank, Bus Stand Faridabad Haryana. Mob. No.981811125, accused No.2. Vikas Joshi. Bank Manager

accused No.3 Akash Loan Manager, working at Aadhar Housing Finance, Neelam Bata Road, NIT Faridabad, Mob. No.9627776142 to take strict legal action and for registration of FIR as the accused persons with the collusions of each other cheated & threatening to kill the complainant. Sir it is respectfully stated that I am Meena Devi wife of Shri Hari Chand, R/o H. Mo.1142, Arya Nagar, Ballabgarh, District Faridabad and stated as under: 1. That I have purchased a Flat/House/Plot No.1F-106 (Area 41 Sq. Yd. Two Story house) NIT 1, 33 Feet Wide Road, New Industrial Township, Near Canara Bank at the rate of Rs.30,00,000/- which were paid in cash gradually in installments to accused No. 1. 2. That in order to pay the remaining amount to accused No.1, I applied for a loan of Rs.32,00,000/- on said house in the Bank of accused No.2 and I have also requested to the accused no.2 to verify also about the said house. Since accused No 3 and accused No.1 are friends thus accused No.1 with the collusion of accused no.2 and accused No.3 passed the loan of Rs.31,62,737/ on the above said house and DD of Rs.6,87,000/- was made in my name and DD of Rs. 24,00,000/- was made in name of accused No.1. Out of the DD in my name of Rs.6,87,000/-, I paid Rs.6,00,000/- to the accused. Thus the full and final amount of the said property of Rs.30,00,000/- was made to the accused No.1. I had stopped accused no. 2 for giving DD of Rs.24,00,000/- to the accused No.1, even then accused No.2 has given the DD of Rs.24,00,000/- to the accused No.1. 3. That after receiving the said amount, accused No.1 got the sale deed registered vide Vasika No.663 dated 28.04.2022 at the office of Registrar, Sub Registrar, Badkhal. 4. That when we went to take possession of the said house, we saw that the seal of the bank was affixed on the said house and after enquiring from neighbors, we came to know that the accused No. 1 had taken a loan of Rs.52,49,000/- from Karur Vaishya Bank on the said house. That Bank has put seal due to non- payment of loan amount. That when we had gone to see the house then there was no seal at the house at that point of time. 5. That accused No.2 and 3 knew each other and about that I had no knowledge and all three accused were aware that accused No. 1 has taken a loan on the said house; even then accused No.2 has cleared the loan amount of accused No.1. 6. That when I talked to the accused No.1 and demanded my amount of Rs 30.00,000/-, on this accused No. I kept on making excuse for few days. In the end,

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accused No.1 has directly refused to return my money and said that I had deliberately made a deal with accused no.2 and passed a loan with the help of accused No.2 in your favour. The accused No.1 said that I will not give you even a single penny, do whatever you want to do. You can't do any harm to me. At the most you will complaint to the Police, I will put that mater end there while using my powers and also threatened me that if you again call me and put pressure on me for returning the money, I will kill the entireFamily. 7. When I went to accused No.2 and 3 and talked to them, they instead threatened me and asked to file a case of cheating against me. Therefore, it is requested you that the accused conspired with each other and accused No.2 passed the loan on the said house and all the three accused has embezzled the said amount from me by committing, fraud of forgery therefore after registering a case against them a strict legal action be taken against them and my amount be recovered from them and I and my family be protected from the hands of the accused persons. I shall be highly thankful. Sd/-Meena W/o Sh. Haricahnd R/o House No. 1142, Araya Nagar Balabhgarh Faridabad. Mob. No. 99103xxxxx."

That based upon these allegations the present case was got registered and investigations were taken up in the matter."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"That there are specific allegations in the complaint of committing of fraud by the present petitioner accused Sumit Grover and the role and involvement of the present petitioner accused Sumit Grover surfaced in the investigation and the documentary proof also corroborate the version of the prosecution and it transpired that the present petitioner accused Sumit Grover was aware of the crime and is beneficiary of the proceeds of that embezzled money, shows the active involvement of the present petitioner."

REASONING:

7. Allegations against the petitioner are of sale a house which were already in

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possession of another person by forging and preparing false documents and cheated the complainant of a large amount. Given the fact that FIR pertains to the year 2023 and petitioner is in custody from last one year, he is entitled to bail. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 02.04.2025 the petitioner's total custody in this FIR is 01 year & 05 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in similar offence or the offence in which sentence is more than three years, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the

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case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.04.2025
anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.