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

CRM-M-50335-2024
Decided on : 03.12.2024

Dushyant ...... Petitioner

Versus

State of Haryana ...... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.D.S. Sukhija, Advocate
for the petitioner.

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Manjari Nehru Kaul, J.

The present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.266 dated 04.08.2023 under Section 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station Sector 31, District Faridabad.

2. As per the case of the prosecution, the petitioner, in collusion with co-accused Suresh Rahi, Saurabh Bhardwaj and Sanjay Singh, orchestrated a deliberate and fraudulent plan to defraud the complainant of an amount of Rs.2.62 crores. All the accused including the petitioner falsely claimed ownership of a prime parcel of land in Noida, allegedly belonging to one Sarabjit Singh, and enticed the complainant with promises of purchasing the property at significantly undervalued price. On this pretext, the accused then extracted Rs.2 crores as commission, documented through a signed receipt. The alleged crime involved introducing a person impersonating Sarabjit

Singh, who executed fraudulent documents, including a General Power of Attorney (GPA) and a Will, in favour of the brother of the complainant. When the complainant later discovered that the land actually belonged to T-series Company, the accused attempted to extend the deception by showcasing a different plot and fabricating new agreements. Despite repeated assurances, no registry was executed by the accused and thereafter they ceased communication leaving the complainant defrauded.

3. Learned counsel for the petitioner has argued that the FIR in question was lodged after an unexplained delay of one year, which casts doubt on its credibility. It has also been contended that the petitioner had no direct involvement in the alleged offences, did not benefit financially and received no money from the complainant. Learned counsel for the petitioner has further claimed that the matter is purely civil in nature and does not indicate any inducement or conspiracy by the petitioner.

4. Heard learned counsel for the petitioner and perused the relevant material available on record.

5. The allegations against the petitioner comes across as being very serious. They include impersonation of the actual owner of the property in question, execution of forged documents, and misappropriation of a huge amount of Rs.2.62 crores. The petitioner is specifically named in the FIR and *prima facie* appears to have played a significant role in the crime in question. His *prima facie* participation is

further evident in the misrepresentation of ownership of plot, fabrication of documents and receipt of money under false pretences. The dispute between the parties is essentially a civil dispute is untenable as the allegations reveal a carefully planned criminal conspiracy, involving forgery, impersonation and deceit, which goes far beyond the scope of civil proceedings.

6. Frauds of this nature, particularly, involving properties in the NCR Delhi, are alarmingly prevalent. Unscrupulous property dealers and fraudsters often target innocent individuals, especially NRIs exploiting their trust and defrauding them of substantial amounts. Such acts, demand a stringent approach particularly when considering a prayer for anticipatory bail.

7. Custodial interrogation of the petitioner is, therefore, necessary to uncover the full extent of the conspiracy, identifying all the participants in the crime in question, and understand the *modus operandi* employed to carry out the fraud. Granting bail at this stage would compromise the investigation and potentially embolden others engaged in similar fraudulent activities.

8. The alleged involvement of the petitioner is not incidental or peripheral but central to the conspiracy. His alleged actions demonstrate an intent to defraud the complainant and profit from the crime. Under these circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

03.12.2024
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Whether speaking/reasoned: Yes
Whether reportable : Yes