

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE
M.Cr.C. No.19743 of 2020

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Ranveer Singh Chhabra Vs. State of M. P.

Indore, Dated:- 03/07/2020

Shri Vinay Saraf, learned Senior Counsel with Shri Sunit Kapoor, learned Counsel for the petitioner—Ranveer Singh Chhabra S/o Inder Singh Chhabra.

Shri Vivek Dalal, learned Additional Advocate General for the respondent/State.

Shri Vashisth Inani, learned Counsel for the objector.

Heard with the aid of case diary.

ORDER

1. This is the second bail application under Section 439 of Cr.P.C. filed by petitioner—Ranveer Singh Chhabra in Crime No.652 of 2019 registered at Police Station—Kanadia, District—Indore under Sections 420, 406, 467, 468, 471, 120-B, 386, 387 and 34 of IPC.
2. First application was for temporary bail and was dismissed as withdrawn vide order dated 09.06.2020 passed in M.Cr.C. No.13907 of 2020.
3. It is the case of the prosecution that a Co-operative Society in the name and style of “Central Government Officers Co-operative Housing Society” was formed in the year 1979. According to the complainant – Jagat Kishore Thombre, he was one of the member of the society. He was allotted plot No.17. He paid the price, but sale deed was never executed in his favour by the President Ghanshyam Parmar, Vice-president Srinath Pandey and Treasurer

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Prahlad Das Dakhetia. In 2014, a complaint was made by the complainant and some other members of the Society before the Registrar, Cooperative Society, which was decided in their favour vide order dated 29.06.2016 with some directions, but was reversed by the Cooperative Tribunal in revision petitions vide order dated 20.04.2018. The order of the Tribunal was challenged by filing WP No.11868/2018, which is pending consideration.

4. In the year 2019, more precisely on 24.12.2019 complainant Jagat Kishore Thombre approached the police with a written complaint. After narrating his grievance, he made the allegation that when he approached the Dy. Registrar, Cooperative Societies (DR) Mr. Patankar, he informed that the petitioner has purchased the Society and he can approach him to redress his grievance.

5. It is further stated by the complainant that DR Mr. K. Patankar arranged his meeting with the petitioner at his home. Here, the petitioner comes in picture. The complainant alleged that in the meeting; the petitioner stated that he had purchased the society, he will not allot him plot and if he persists his demand, he will kill him. Nothing would happen to him as he is a mighty person and has links with the influential persons. In police statement, he reiterated the same allegation. This is the total allegation against the petitioner.

6. The learned Senior Counsel for the petitioner argued that the President, Vice-president and Treasurer of the

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Society, namely, Ghanshyam Parmar, Srinath Pandey and Prahlad Das Dakhetia, against whom the main allegations have been made by the complainant, have been granted anticipatory bail by the trial Court. No document is collected during investigation, which is allegedly fabricated by the petitioner. Therefore, there is an absolute absence of the facts necessary to constitute the charges under Section 467,468 or 471 IPC. The petitioner is neither a member nor an office bearer of the society. He has nothing to do with the Society. Therefore, question of deceiving the complainant by him does not arise. In his police statement, DR Mr. Patankar has clearly denied each and every allegation of the complainant of arranging a meeting between the petitioner and the complainant at his residence or that anything happened at that time. He has further stated that the governing body of the society was dissolved and the administrator was appointed, therefore, the petitioner had nothing to do with the affairs of the society. The matter relates to the year 1990 and the complaint has lodged FIR in the year 2019. The delay of 29 years has not been explained by the complainant. Therefore, the petitioner be granted bail.

7. At the outset, the learned Additional Advocate General submitted that the petitioner has following criminal record:

Sr. No.	Crime Number	Under Section	Police Station
1	46/1999	136(1) of The Representation	Annapurna

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		of People Act, 1951	
2	158/1996	336, 427 IPC	Chandan Nagar
3	181/1996	147, 353, 506 IPC	Banganga
4	155/1996	307, 324, 147, 148, 294, 506 34 IPC	Chandan Nagar
5	156/1996	147, 148, 323, 336 34 IPC	Chandan Nagar
6	507/2005	420,467,468, 409, 120-B IPC	Tukoganj
7	755/2010	420, 182, 34 IPC	M.I.G.
8	934/2010	420,467,468, 409, 120-B IPC	Tukoganj
9	312/2010	406, 409, 420 IPC	Annapurna
10	652/2019	420,467,468,406,409,120B	Kanadia
11	1259/2019	420, 467, 468, 471, 34 IPC	Khajrana
12	902/2019	420,406,467,468,471,120B	Bhawarkuan
13	377/2019	420,467,468,406,409, 120-B	Raoji Bazar
14	64/2020	420, 387, 294, 506/34 IPC	Raoji Bazar

8. It is further submitted that until 2005, the petitioner was indulged in criminal activities and after that he switched to the real estate business and started grabbing lands of others through capturing or taking over the co-operative societies. In this case, several documents relating to the members of the Central Government Officers Co-operative Housing Society have been recovered from his possession on the basis his disclosure statement, which shows that he was actively involved in the affairs of the Society and, therefore, he be not granted bail.

9. The learned A.A.G. referred **Central Bureau of Investigation Vs. V. Vijay Sai Reddy** reported in **(2013) 7 SCC 452** and prayed for dismissal of the bail.

10. Learned Counsel appearing for the objector submitted that at the time of forming the society, it was decided that

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there shall be only two hundred members, but with intent to take over the society, the petitioner inserted 11 new members and these 11 members inserted 94 new members. They all were dummy members and were inserted to take over the administrative control of the society by a majority of vote. The documents seized from possession of the petitioner on the basis of the disclosure statement relates to these new members only and this supports the contention raised by him. The petitioner is the actual owner of the society and due to his involvement, the original members of the society are not getting plots even after 30 years, therefore, he be not granted bail.

11. In reply, learned Senior Counsel for the petitioner submitted that the documents have been recovered from an open and accessible to all i.e. the terrace of Farukh Garden, 58 Choice Palace Colony. These were kept behind the plants and pots, which itself makes the recovery doubtful. Further, there is no evidence that this place belongs to the petitioner or the documents were fabricated by him, therefore, such recovery has no evidentiary value.

12. In respect of criminal record, it is submitted by Shri Saraf that in four cases, the petitioner has been acquitted, in one case FIR has been quashed by the Division Bench of this Court and the other cases have been registered recently one after the other in a short span to harass the petitioner so that he may not get out of the jail. Therefore, that cannot be a ground for denying bail to the petitioner.

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13. It is reiterated that as there is no evidence of creating or fabricating any false document and also no evidence of demand of money under the threat of causing injury, therefore, charges under Section 420, 467, 468, 471, 386, 387 IPC have not been made out. The only remaining charge is 506-B IPC and the petitioner is in custody since more than 6 months, therefore he may be granted bail.

14. Having regard to the rival contentions of both the parties and keeping in view the nature and gravity of the allegations made against the petitioner and the evidence collected during investigation to support them, I am of the view that the case for granting bail is made out. Therefore, without commenting on merits of the case, the application is allowed.

15. It is directed that the petitioner **Ranveer Singh Chhabra S/o Inder Singh Chhabra** be released from custody on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with **one** solvent surety to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions :-

(I) The petitioner shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial.;

(ii) The petitioner shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution

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witnesses, so as to dissuade him from disclosing truth before the Court;

(iii) The petitioner shall not commit any offence or involve in any criminal activity;

(iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

(Virender Singh)
Judge

Pankaj