

HIGH COURT OF MADHYA PRADESH**MCRC No.19744/2020****(Ranveer Singh Chhabra vs. State of MP)****Indore: Dated:- 03/07/2020:-**

Shri Vinay Saraf, learned Senior Counsel with Shri Sunit Kapoor, learned counsel for the petitioner.

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

Heard with the aid of case diary.

ORDER

1. This is the second bail application under Section 439 of Cr.P.C. in connection with Crime No.1259/2019 registered at Police Station – Khajrana, Indore under Section 420, 467, 468, 471 and 34 of IPC.
2. First application for temporary bail was dismissed as withdrawn vide order dated 28/05/2020 passed in MCRC No.13907/2020.
3. The prosecution case in nutshell is that the complainant Ranjana Sabharwal purchased a plot on 03/05/1986 from Shriram Grih Nirman Sahakari Sanstha, but neither the sale deed was never executed in her favour nor the possession of the plot was given to her. After 33 years, she approached the police and filed a written complaint alleging that few days back she received a phone call. The caller introduced himself as Bobby Chhabra, the nick name of petitioner. He made a proposal to return the original receipt of payment in lieu of some cash but she turned down the proposal. In her written

complaint, she alleged that one Deepak Jain and Bobby Chhabra (petitioner) had encroached the land of the society, therefore, she could not get her plot.

4. The police registered the case against Deepak Jain and the petitioner. It was found in the investigation that Deepak Jain had purchased 10.746 hectares land of the society by 3 sale deeds. The validity of this transaction was challenged before the High Court by filing Writ Petition No.7248/2014, which was dismissed by the Division Bench of this Court. It was further stated that rest 2.292 hectare land was acquired by the govt. to develop parking area of Ganesh Mandir, Khajarana. Thus no land remained with the society to allot to its members.

5. It was further found in the investigation that an inquiry conducted by Audit Officer Mr. Sanjay it was found that there was no irregularity or illegality in the functioning of the society and that the petitioner was not eligible for getting plot from the society but due to some typing mistake her name was repeatedly reflected in the list of members..

6. The police arrived at a conclusion that no case against Deepak Jain is made out and dropped all the charges against him and filed the charge-sheet only against the petitioner.

7. It is submitted by Shri Saraf that the petitioner is neither member nor office bearer of the society. He has nothing to do with the society. He has not related with the society in any manner whatsoever. There is no evidence that the person, who called the complainant was the petitioner.

Identical allegations made against Deepak Jain have been dropped by the police itself but the police has proceeded maliciously against the petitioner. There is no evidence that the petitioner has ever created or fabricated any false documents, therefore, charge under Sections 420, 467, 468, 471 of IPC is not made out. There is also no evidence that the petitioner has ever cheated or deceived the complainant. At the time when the complainant had purchased the plot, the petitioner was only 17 years old. He never met with the complainant or has ever contacted her. No specific date of the alleged phone call has been given in the FIR. No call details have been collected during investigation to support the allegation. No explanation is given as to why immediately after receiving the alleged call/proposal, the FIR was not lodged. All this shows that the allegations are only based on the assumptions and imaginations, therefore, the petitioner be granted bail.

8. It is further averred that sum and substance of the allegations against the petitioner is that he, if it is assumed like that, had called the complainant and offered him to return the original receipt of membership of allotment of the plot in lieu of some cash. Even if it is assumed to be true, no case as alleged is made out against the petitioner.

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

Sr. No	Crime Number	Under Section	Police Station
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1	46/1999	136(1) of The Representation of People Act, 1951	Annapurna
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, 120-B IPC	Kanadia
11	1259/2019	420, 467, 468, 471, 34 IPC	Khajrana
12	902/2019	420, 406, 467, 468, 471, 120-B IPC	Bhawarkuan
13	377/2019	420, 467, 468, 406, 409, 120-B IPC	Raoji Bazar
14	64/2020	420, 387, 294, 506 and 34 IPC	Raoji Bazar

10. The learned Additional Advocate General further submitted that on the basis of disclosure made by the petitioner before the police, several blank documents have been seized from his possession, which shows that petitioner was well indulged in the affairs of the society though he has fairly admitted that these documents are related to some other persons, who have never made complaint against the petitioner. The learned A.A.G. further referred the statement

of Peon of Khalsa College – Mahesh, who has stated that once Secretary of College Ranveer Chhabra (petitioner), who had appointed him, had conceded before him that he had taken over the society and being a member and office bearer of the society now he will sell all the property of the society and shall earn profit. This, according to the learned AAG, is sufficient to show involvement of the petitioner, therefore, he be not granted bail.

11. 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 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.

12. The learned AAG has fairly admitted that there is no document on record to rebut the facts narrated by the learned senior counsel for the petitioner or to show that the petitioner is either member or the office bearer of the society.

13. I have given a conscious consideration to the facts narrated by both the parties

14. Having regard to the contention 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/- (Rs. One Lac)** with **one** solvent surety of the like amount 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 in the trial and shall attend the trial Court during the trial;**
- (ii) The petitioner shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing the truth before the Court;**
- (iii) The petitioner shall not commit any offence or involve in any criminal activities;**
- (iv) In case, involvement in any other criminal activity is found, the bail granted in this case may also be cancelled.**

**(Virender Singh)
Judge**