

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserve: November 11, 2010

Date of Order: 12th November, 2010

+ Bail Application No. 1760/2010

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12.11.2010

Harjit Singh

... Appellant

Through: Mr.Sandeep Sethi, Sr. Adv. with
Mr.Pawanjit S. Bindra, Adv.

Versus

State

... Respondent

Through: Mr.J.P.Sengh, Sr. Adv. with
Mr.Sumeet Batra, Mr.Gaurav Bhardwaj,
Adv.
Mr.Sunil Sharma, APP for the State

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. The applicant has sought anticipatory bail. He is involved in a land grabbing offence. The facts revealed that property bearing No.Plot No.6D, Road No.37, measuring 279.55 sq. yards, Punjabi Bagh, Delhi was grabbed on the basis of forged documents when the real owner was not living in the property. One Manohar lal, a close friend and a neighbour of accused Harjit Singh in Sirsa, who was also a mediator in the marriage of Harjit Singh, executed documents of transfer of this property in favour of Harjit Singh and Tarwinder Singh. Manohar Lal impersonated as Jitender Kumar and put his signatures and thumb impression on the sale deed as Jitender Kumar. Harjit Singh and Manohar Lal were well known to each other and Harjit Singh, the present applicant knew that Manohar Lal was posing as Jatinder Kumar. In order to get the property transferred from Jatinder Kumar (a fictitious person) a forged power of attorney dated 19.7.1976 was prepared in the name of

Jatinder Kumar by the accused persons. Tarwinder Kumar died in 1997 and Harjit Singh claimed himself to be the sole owner of this property on the basis of a will and he further sold this property to Jaswinder Singh Punia on 10.4.2002 by giving a fictitious and forged address. The verification of these facts has been done by the prosecution. Accused has been evading arrest. His NBWs have already been issued by the trial court. The trial court is now proceeding against the accused under Sections 82/83 Cr.P.C.

2. There is an increase in offences of land grabbing and gangs of land grabbers are active in various parts of Delhi who identify the plots whose owners are either living abroad or in other cities and thereafter they prepare various forged documents and sell the plots, and this menace is increasing day by day because of the leniency being shown in letting large such offenders showing un-necessary mercy on them. Anticipatory bail is not a matter of right. Anticipatory bail was perceived by the Legislature so that the Court should intervene when an innocent person is sought to be falsely implicated by the police. Anticipatory bail was not perceived by the Legislature to give license to the criminals and economic offenders to indulge in criminal activities, and do forgery and grab properties and shall remain on bail.

3. Considering the fact that investigation showed that accused was actively involved in the forgery and was part of the criminal gang who grabbed property. I consider that accused is not entitled to anticipatory bail.

4. The application is dismissed.

November 12, 2010
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SHIV NARAYAN DHINGRA, J.