

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

CRM-M-10893 of 2015(O&M)

Date of Decision: 25.05.2015

Hari Ram

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. N.S. Shekhawat, Advocate for the petitioner.

Ms. Mahima, AAG, Haryana.

Mr. S.K. Yadav, Advocate for the complainant.

SNEH PRASHAR, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.80 dated 12.04.2014 under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code (for short 'IPC) registered at Police Station Nangal Chaudhary, District Mahendergarh.

2. Briefly, the accusation against the petitioner was that he in collusion with the vendor Madu Ram and co-accused Hoshiar Singh had put his signatures as an attesting witness on the agreement to sell prepared with an ante date i.e .04.10.2013, where the stamp paper was purchased on 29.11.2013. The date written by the stamp vendor was changed by way of interpolation in the same.

3. Heard the submissions made by Mr. N.S. Shekhawat, Advocate representing the petitioner, Ms. Mahima, AAG, Haryana representing the State and Mr. S.K. Yadav, Advocate representing the complainant.

4. It is submitted on behalf of the petitioner that he has only signed on the agreement as witness executed by Madu Ram in favour of Hoshiar Singh. He

had signed in good faith and he was not the beneficiary of the transaction. Submitting that nothing remains to be recovered from the petitioner, learned counsel prayed that the petitioner be given the concession of anticipatory bail.

5. The petition was opposed by Ms. Mahima, AAG, Haryana and Mr. S.K. Yadav, Advocate. They submitted that in order to make the agreement of sale ante dated, interpolation was done in the date written by the stamp vendor on the stamp used for preparing agreement of sale. It was very much within the knowledge of the petitioner that a forged document was being prepared yet he had signed the same as a witness.

6. There is serious allegation of fraud and forgery against the petitioner. He signed as an attesting witness on a forged document. Prima facie it does not lie in his mouth to say that he was unaware of the forgery committed by his co-accused.

In view of the facts and circumstances of the case for proper investigation into the matter, custodial interrogation of the petitioner is necessary and in my considered opinion no case for grant of anticipatory bail to the petitioner is made out and the petition is hereby dismissed.

May 25, 2015
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(SNEH PRASHAR)
JUDGE