

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

CRM-M-14129 of 2015
Date of Decision: 25.05.2015

Hoshiyar Singh

....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 Madu Ram executed an agreement of sale in respect of his land measuring 1 Kanal 1 Marla in favour of complainant-Nobahar S/o Banwari Lal on 12.10.2013. It was agreed that the sale deed will be executed on or before 30.11.2013. However, Madu Ram in collusion with the

petitioner (Hoshiyar Singh), prepared an agreement of sale dated 04.10.2013 in respect of the same land. As per the said agreement, the sale deed was to be executed on or before 03.08.2014. Hoshiar Singh filed a civil suit for specific performance of the contract on the basis of the agreement dated 04.10.2013.

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. Learned counsel for the petitioner submitted that the civil suit for specific performance of contract dated 04.10.2013 filed by the petitioner has since been withdrawn by him by making a statement before the civil Court on 12.04.2014. Madu Ram, the main accused has already been enlarged on regular bail by this Court vide order dated 23.04.2015 and in compliance of the said order he had deposited the amount of Rs.2,50,000/- with the civil court. 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 with an intention to defraud the petitioner in collusion with his cousin brother Madu Ram got prepared an ante dated agreement of sale in his favour. The date written by the stamp vendor on the stamp paper used for preparing the agreement of sale was changed by making interpolation in the same. It was also submitted that the affidavit of Madu Ram which was also forged in a similar

manner is to be recovered from the petitioner.

6. There is serious allegation of fraud and forgery against the petitioner. He may have withdrawn the civil suit filed by him on the basis of the alleged agreement of sale in his favour but the fact remains that the said agreement of sale was stated to be a forged document.

In view of the facts and circumstances of the case and as submitted by learned State counsel that during investigation Madu Ram had made statement that the forged affidavit is in possession of the petitioner, 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