

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15750-2014

Date of Decision: January 30, 2015

Dharampal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sudhir Sharma, Advocate,
for Mr. Anhul Singh, Advocate,
for the petitioner.

Mr. Gurdas Singh, DAG, Haryana,
for the respondent.

NARESH KUMAR SANGHI, J (Oral)

1. Prayer in this petition is for grant of anticipatory bail to the petitioner, Dharampal Singh, son of Piyare Lal, resident of House No. 3C/25, NIT, Faridabad, who has been booked for having committed the offences punishable under Sections 120-B, 419, 420, 467, 468 and 471, IPC, in a case arising out of FIR No. 456, dated 6.11.2012, registered at Police Station, Central, Faridabad.

2. Learned counsel contends that the petitioner is a bonafide purchaser; the alleged General Power of Attorney, on the basis of which the house in question was purchased by Anil and Manoj, was executed in the year 2002 and thereafter in the

year 2008, the petitioner purchased the said house from Anil and Manoj; and that on the basis of an anonymous complaint the impugned FIR was registered in the year 2012. He further contends that the petitioner has not committed any offence. The sequence of events with regard to execution of the General Power of Attorney and thereafter sale deed in favour of Anil and Manoj and further in favour of the petitioner would reveal that the petitioner is a bonafide purchaser. He further submits that at the time of execution of the sale deed, the petitioner had paid Rs.13,98,000/- to Anil and Manoj.

3. On the other hand, learned counsel for the State submits that the petitioner is the kingpin in the present case. He hatched a conspiracy with Anil and Manoj and firstly he got the house in question transferred in their (Anil and Manoj) names and thereafter got the said house transferred in his own name. There was no bank transaction with regard to payment of Rs.13,98,000/- to Anil and Manoj and, in fact, that was a sham transaction. He further points out that during course of investigation it had emerged on record that the petitioner in conspiracy with his co-accused, Anil and Manoj, procured a forged General Power of Attorney bearing No. 48156/2002 from Delhi, in the name of Kashmir Kaur, wife of Kundan Singh,

resident of Faridabad. On the basis of the said forged General Power of Attorney, a registered sale deed, bearing No. 18799, dated 7.12.2007, was executed in favour of Anil and Manoj and thereafter they executed sale deed bearing No. 20869, dated 12.12.2008, in favour of the petitioner. It has also been submitted that the petitioner further sold the said property to one Sanam in the year 2009. After registration of the case when the police investigated the matter, then it was found that the petitioner was residing in the said house, which would clearly show that all the transactions were fake. Learned counsel for the State further states that the petitioner was involved in seven more cases of different offences and that out of those cases, he has already been convicted in two.

4. At this juncture, learned counsel for the petitioner has pointed out that in three cases the petitioner has been acquitted.

5. I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

6. From the sequence of events emerging on the police file, it is very much apparent that the petitioner is the master mind behind the conspiracy hatched to grab the property in dispute. He managed the General Power of Attorney in the year

2002 and thereafter got the said house transferred in the names of Anil and Manoj and further in his name in the year 2008. He further transferred the said property in favour of Sanam, but petitioner himself remained in possession of the said property. The petitioner is also involved in so many other cases and, as such, his custodial interrogation is required in the present case. No ground for grant of anticipatory bail is made out.

7. Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

January 30, 2015
Pkapoor