

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

CRM-M-16986-2015

Date of decision: 15.7.2015

Om Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Rajesh Lamba, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.374 dated 30.8.2013 registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code at Police Station Sadar Palwal, District Palwal.

The submissions made by Mr.Rajesh Lamba, Advocate appearing for the petitioner have been heard.

It was submitted on behalf of the petitioner that in fact he had been defrauded by the complainant party. He was a bona fide purchaser of the plot. No agreement was ever entered into between him and the complainant. Infact, the complainant had mischievously changed the last page of the agreement executed between him and one Gajender Singh and had given a copy of the same to him. There is no signature on the revenue receipt or any other document. Learned counsel submitted

that in this regard, the petitioner had made a complaint to the police

against the complainant, but no action was taken on the same. Submitting that the matter is of civil nature and the possession of the land is with the complainant party and nothing is to be recovered, learned counsel prayed for grant of anticipatory bail to the petitioner.

Perusal of the First Information Report shows that the petitioner procured the revenue record relating to land of the complainant party and in connivance with other accused including the govt. officials and without any information to the complainant party, with an intention to grab the land measuring 669 kanals 2 marlas transferred the same in the name of his co-accused. The investigation is in progress. The modus operandi of the fraud committed by the petitioner in connivance with other accused including the govt. officials is yet to be unearthed. The Hon'ble Supreme Court in State rep. By the CBI vs. Anil Sharma, reported in (1997) 7 Supreme Court Cases 187 has held as under:-

“The custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C.”

In the present case, the custodial interrogation of the petitioner is required. Accordingly, no case is made out for grant of anticipatory bail to the petitioner.

Dismissed.

15.7.2015
gsv

(SNEH PRASHAR)
JUDGE