

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18905-2015

Date of decision: September 16, 2015

Suleman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Robin Dutt, Advocate for the petitioner.
Dr. Sushil Gautam, DAG, Haryana.
None for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 406, 506 IPC at Police Station Bilaspur, District Yamuna Nagar, vide FIR No.88 dated 9.5.2015.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case. He submits that thumb impressions of the petitioner have been forged by the complainant on the alleged agreement to sell. On receipt of legal notice, petitioner immediately made a complaint to the Superintendent of Police, Yamuna Nagar in this regard.

Prayer has been opposed by learned State counsel on the ground that allegations against the petitioner are serious and the petitioner does not deserve the concession of pre-arrest bail. He submits

that the petitioner alongwith co-accused has sold the land in question thrice. Thus, he does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Admittedly, pursuant to agreement to sell dated 8.9.2012, Rs.20.00 lacs was paid by the complainant to the petitioner and his other co-accused. Suleman (petitioner herein) moved an application to the police that his thumb impressions were forged by the complainant and others but has not named his co-accused Mustak therein who is also signatory to the agreement. The original agreement to sell is also in possession of the petitioner. The matter is still under investigation, after which the role of each vendors/alleged signatories, who appended thumb impressions on the same, will be determined. Out of the aforesaid amount of Rs.20.00 lacs, accused have not returned a single penny to the complainant. The accused had already entered into an agreement to sell with Prem Singh son of Asha Ram on 30.1.2008 regarding the land in question. With dishonest intention, they again entered into agreement with the complainant.

Keeping in view nature of allegations, petitioner is not entitled to concession of pre-arrest bail. His custodial interrogation may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

September 16, 2015
'Rajpal'