

In the High Court of Punjab and Haryana at Chandigarh

**CRM M-23228 of 2015
Date of Decision: July 28, 2015**

Satish Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Ashish Gupta, Advocate,
for the petitioner.

Mr. Anil Mehta, DAG, Haryana.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 8, dated 06.04.2009, under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station State Vigilance Bureau, Rohtak.

Learned counsel for the petitioner submits that two plots bearing No. 576 and 1406 were allotted in the name of the petitioner by mentioning wrong father's name. In nutshell case of the prosecution is also the same. The contention of the learned counsel for petitioner is to

in the year 2009, till date nothing has come out against the petitioner. Learned counsel further contends that the factory in question is not in the name of the petitioner. He further contends that prior to the inquiry conducted by the police, plot No. 576 has already been surrendered.

Per contra, learned State counsel states that this is a clear cut case of fraud. The plots have been got allotted by mentioning the different father's name. Learned State counsel further states that FIR in question has been registered only after filing of a writ petition by one P.P. Kapoor, by alleging fraud in allotment of plots. Otherwise, this would have also remained buried under the carpet. Once the plots are being allotted in connivance with the other officials by mentioning wrong father's name, this has a larger scale ramification. From the point of view of this Court, the poor and deserving people, for whom such beneficial schemes are floated, do not get the benefits, rather cunning people in connivance with the concerned officials get allotted the plots. In such like cases, custodial interrogation is a necessity.

So far as the contention with regard to surrender of plot is concerned, that fact can only be seen by the trial Court after investigation. Be that as it may, surrender of the plot does not wipe out the rigour of fraud. The petitioner was bound to surrender when fraud came to light.

In view of this, no ground for anticipatory bail is made out.

Dismissed.

July 28, 2015
vkd

[Paramjeet Singh]
Judge