

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23940-2015

Date of decision: 24.07.2015

Arjun and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Prashant Vashisth, Advocate for the petitioners.

R.P. NAGRATH, J.

Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in FIR No. 149 dated 24.04.2015 registered under Sections 419/420/467/468/471/120-B of the Indian Penal Code at Police Station Jodhewal, Ludhiana.

I have heard learned counsel for the petitioner and carefully perused the paper-book.

The allegation was made with regard to forgery of sale deed in the name of complainant for setting up a claim over the property which was rented out to petitioner No. 2-Seema. Rajesh Jain-complainant had purchased the property in dispute from the previous owner vide sale deed dated 20.07.2000. Copy of this sale deed was attached with the complaint made to the police. After raising construction over the said plot, the premises was given on rent to petitioner No. 2. It was stated that the complainant was living on the other end of city and taking advantage of the same, the petitioners and Parshotam Lal, husband of petitioner No.

2-Seema prepared a forged sale deed of the property statedly, executed by the owner by producing some imposter.

Learned counsel for the petitioners contends that the petitioners nowhere figured in the FIR and they are being roped in simply to put pressure upon the family.

It is significant to note that petitioners have not controverted the story contained in the FIR that petitioner No. 2 was inducted as tenant in the year 2000 i.e. about 15 years ago. The FIR was not hurriedly registered but after a thorough enquiry. Complaint made to the police is dated 04.08.2014 and enquiry upon it was made by the Economic Wing of District Police. The grant of pre-arrest bail is an extra-ordinary relief and no such ground is made out in favour of the petitioners. From the facts stated in the FIR, it requires custodial interrogation of the petitioners for completion of investigation. Otherwise, the petitioners do not claim at all that the complainant had sold the property in favour of Parshotam Lal, aforesaid. The learned Additional Sessions Judge, Ludhiana, has observed in the order declining pre-arrest bail to the petitioners that the documents produced by petitioners would go to show that the civil suit filed by Parshotam Lal against Rajesh Kumar (owner) in which Rajesh Kumar was *ex parte* but the said suit was still dismissed.

In view of the above discussion, there is no merit in the instant petition and the same is dismissed.

July 24, 2015
rishu

(R.P. NAGRATH)
JUDGE