

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-25042 of 2015
Date of decision : September 28, 2015

Rakesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sarfraj Hussain, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana
Mr. Manish Soni, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Rakesh in this anticipatory bail application under section 438 Cr.P.C. are that the complainant Gajender on 18.6.2014 paid Rs One Lac to co-accused of the petitioner namely Subhash and remaining amount of Rs Five lacs was to be paid on 20.6.2014. However, in between, on the asking of the present petitioner Rakesh, the complainant had handed him Rs five lacs more who failed to deliver the copy of the agreement to sell and on insistence subsequently after few days had handed over the alleged agreement to sell so executed between the complainant and the original owner Sheoraj Singh and when the complainant accosted the original owner of the house subject matter of the

deal, he denied his signatures as a vendor and in fact the accused including the present petitioner after impersonation and forgery has created this agreement.

The contention of the counsel for the petitioner that there is no specific role attributed to the petitioner who is neither owner nor the beneficiary of the agreement has been controverted on behalf of the State counsel who has submitted that the present group of accused has been instrumental in robbing other persons in the area and other cases of fraud and forgery has been registered against him.

Appreciating the submissions of the two sides, prima facie the allegations and the fact that qua property in question the accused has played a significant role in receiving earnest money and that the alleged agreement to sell has been forged on behalf of the original owner are matters which impels for custodial interrogation. No ground for anticipatory bail is made out. The present petition stands dismissed.

September 28, 2015

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**(Fateh Deep Singh)
Judge**