

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

**Crl. Misc. No.M-27008 of 2015 (O&M)
Date of decision : 25.08.2015**

Mahant Gangapuri Chela Mahant Kapil Muni Mahant

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gurinder Singh Attariwala, Advocate
for the petitioner.

Mr. Deepak Kr. Grewal, DAG, Haryana

Mr. S.S. Dinarpur, Advocate
for the complainant.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No.263 dated 10.04.2015, registered under Section 420, 463, 467, 468, 471 IPC, Police Station City Thanesar, District Kurukshetra.

A complaint was lodged on the allegations that the petitioner forged a resolution and sold 33 acres of land belonging to Akhara Panchayati Maha Niravani Mandir, Pehwa and mis-appropriated Rs.9 crores.

The counsel for the petitioner contends that the land had been sold and cheques had been given which had bounced and the petitioner had approached the competent authority namely the

Deputy Commissioner for setting aside the sale deed. The counsel had referred to the copies of the sale deeds as well as the cheques. It was urged that the petitioner was living a holy life for the last 45 years and he is 75 years old and was suffering from various ailments and false allegations have been levelled by the complainant and there was a dispute as to who was the Mahant of the Akhara. It was urged that civil litigation was also going on. The counsel had extensively referred to the sale deeds and the cheques and the dishonoured memos issued by the bank.

The counsel appearing for the complainant has urged that before the Additional Sessions Judge, the petitioner had taken the plea that he had not forged any resolution nor had got the sale deeds executed and he was made to appear in the office of Sub-Registrar and his photographs and signatures were misused for preparation of sale deeds and before this Court, the stand taken in para no.6 of the petition is entirely different. It was urged that all the sale deeds are of the same date and all the cheques were dishonoured when presented after a year of the execution of the sale deed and earlier also the petitioner had sold 11 acres of land which was challenged and a civil suit was filed which was decreed and the sale deed was set aside.

The State counsel submits that a sum of over Rs.9 crores is involved and the custodial interrogation is necessary and the role of the person to whom the land was sold is also to be looked into.

Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted only considering the material and the facts

of a given case. The allegations against the petitioner are grave. Custodial interrogation is necessary. It would be difficult to carry out the investigation and it is necessary to curtail his freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

25.08.2015

sunil

(ANITA CHAUDHRY)
JUDGE