

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-34018 of 2015

Date of decision : 03.12.2015

Arvind

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Karan Pathak, Advocate for the petitioner

Mr. Deepak K. Grewal, DAG Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 173 dated 20.03.2015 registered at Police Station Saran, District Faridabad under Sections 420, 467, 468, 471 IPC.

Learned counsel for the petitioner urges that complaint against Bhagat Singh had been filed by the petitioner and that is the reason the petitioner has been named. It was urged that petitioner was not named in the FIR nor he was the beneficiary and concocted story has been put forth by the prosecution.

Learned State counsel urges that the entire fraud is played by the petitioner and a fake GPA and sale deed was prepared and the record shows that no sale deed is registered in the office of Sub Registrar in the name of Rajender Aggarwal and Rajender is said to have sold the property to Arti and Prem Bala and again another sale was made and ultimately the complainant was the last in the chain and he went to the spot for construction and it came to light that the property was in the name of some one else.

Learned Additional Sessions Judge, Faridabad in his order dated 12.08.2015 gave the details of the complaint made to the police by Suraj Pal. The police investigated the case and found that the sale deed in favour of Rajender was forged and fabricated and there is no record of this sale in the office of Sub Registrar. Several other persons were cheated and the plot was sold to Arti and Prem Bala who sold it further. The complainant went to the spot and could not construct it as fraud was discovered. During investigation it was found that Kishan claiming himself to be GPA of real owner had executed a sale deed in 1983 in favour of one Rajender Aggarwal. It was also found that the sale deed was forged and fabricated. Surprisingly the mutation was sanctioned in favour of Rajender Aggarwal and the successive buyers were lured into making the purchases. The matter is still being investigated. Custodial interrogation would be necessary. Learned State counsel had stated that though the petitioner had joined the investigation but he was not cooperating.

There are serious allegations against the petitioner. The relief of anticipatory bail is a discretionary relief. Considering the nature of allegations and gravity of offence and severity of the punishment which the conviction will entail, there exists no special reasons in favour of the petitioner warranting his release on anticipatory bail.

The petition is dismissed.

December 03, 2015

**(ANITA CHAUDHRY)
JUDGE**