

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

**Criminal Misc. No. M-35110 of 2015  
Date of decision: 13.10.2015**

Tejinder Pal Singh

..Petitioner

Versus

State of Haryana

..Respondent

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

**Present:** Mr. Sanjeev Kr. Panwar, Advocate  
for the petitioner.

**Daya Chaudhary, J.**

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to petitioner-Tejinder Pal Singh in case FIR No.414 dated 15.12.2008 registered under Sections 420, 467, 468, 471, 474, 120-B of Indian Penal Code at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no offence is made out against him. Even from perusal of contents of FIR, it is clear that neither any document pertaining to the land nor any site was shown by the petitioner to the complainants. No amount of sale consideration was received by the petitioner from the complainants.

The only allegation levelled against the petitioner is that he was present at the site when the complainants reached there and he was the General Power of Attorney holder of the land in dispute. Learned counsel also submits that the petitioner has been victimized at the instance of main accused whereas he is not the beneficiary and no sale consideration has been received by him.

Heard arguments of learned counsel for the petitioner and have also perused the allegations levelled in the FIR.

The aforesaid FIR was registered on the basis of complaint made by Ramnik Khanagwal and Rohit Khanagwal, who were in search of suitable site for Petrol Pump, which was in the name of Smt. Renuka w/o Vinod Kumar and daughter-in-law of Smt. Sona Devi and Sh. R.P. Duggal allotted by the Indian Oil Corporation vide letter dated 27.11.2004. They approached Rishi Ram, Vijay Kumar and Lakhpat Singh, who were claiming to be the owners in possession of the land situated at National Highway-71-B, Palwal Sohna Road, Palwal. It was also assured that the land is free from all sorts of encumbrances and litigation and they have been declared owners in possession over the land vide judgment and decree dated 24.07.1996 passed by the Civil Court. The copy of the judgment showing the ownership over the land in dispute was also given. It was also told that the judgment and decree had become final as same was not challenged before any Court of law. Their title and possession of the land in dispute was absolute. The land was also shown to the

complainants, which was being levelled with the help of JCB. The abovenamed persons told the complainants that they had issued general power of attorney in favour of Tejinder Pal Singh-petitioner. The allegations levelled in the FIR are that the general power of attorney was executed by them fraudulently and on the basis of same documents, the sale deed was executed through attorney, which was forged one. The amount of consideration was paid.

The submissions made by learned counsel for the petitioner are contrary to the facts as the amount of sale consideration was given to the present petitioner and power of attorney was also forged one, which has been shown to be executed by one Rishi Ram in favour of the present petitioner. It has also come in the order of declining bail to the petitioner passed by the lower Court that the complainants were wrongly informed that the judgment passed by the trial Court was final and no litigation was pending as in one case, the revenue entries entered in the name of Vijay Kumar and Rishi Ram were held illegal, null and void. Similarly, another case titled as 'Hoshiar Singh vs. Rishi Ram' was also pending since 1994, which was decided on 12.01.2002 and judgment and decree passed by the Civil Court was declared null and void. The allegations against the present petitioner are that general power of attorney of original owner Rishi Ram was forged and fabricated and the petitioner has participated in commission of offence as not only the amount was received but factum of pendency of litigation was also concealed.

The power to grant anticipatory bail under Section 438 Cr.P.C. is to be exercised with due care and caution under the circumstances where the accused apprehends his/her arrest on accusation of having committed a non-bailable offence or the accused is apprehending threat by false implication in some case whereas no offence is made out.

Accordingly, keeping in view the allegations levelled in the FIR; role of the petitioner and seriousness of the offence, the petitioner is not entitled for grant of anticipatory bail. As such, the present petition being devoid of any merit is hereby dismissed.

However, it is made clear that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case during pendency of the trial.

13.10.2015  
neetu

**(DAYA CHAUDHARY)**  
**JUDGE**