

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

Date of decision:06.05.2016

Sunil Kumar and another

.....Accused Petitioners

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Gaurav Mohunta,Advocate for the accused petitioners.

Mr.Kuldip Tiwari, Addl.AG Haryana assisted by ASI Prem
Parkash

Jaswant Singh,J(Oral).

The prayer is for grant of anticipatory bail to accused petitioners-Sunil Kumar and Sultan Singh in case FIR No.615 dated 2.12.2015 under Sections 420, 467,468,471,120-B IPC read with Section 13(1)(d) of the Prevention of Corruption Act, registered at PS Ganaur, District Sonapat.

In brief the facts are that agriculture land measuring 47K9M in Village Barhi(also written as Baddi), Ganaur, District Sonipat under the ownership of Okara Group of Companies was attached vide order dated 22.11.2002 passed by Hon'ble Delhi High Court in a CA(M) 115 of 2002 and 63 of 2002 filed by the creditors,including Kawaljit Singh Kher. Subsequently vide order dated 25.9.2008 the learned Company Judge, in the aforesaid Company

Petition issued specific direction to the District Collector, Sonipat Haryana not to proceed with the sale/auction proceedings in respect of the aforesaid land in question. Thus, accordingly entries in the revenue record were made. It is also a matter of record that the Official Liquidator of Delhi High Court informed the Deputy Commissioner, Sonapat vide his letter dated 23.6.2015 about the pendency of liquidation proceedings regarding Okara Group of Companies and their being a stay with regard to any kind of alienation of the property in question. The Deputy Commissioner further forwarded the letter on 8.7.2015 to Tehsildar, Ganaur for appropriate action and entry in the *roznamcha*.

The allegations against the petitioners-accused are that in connivance with other co-accused they got executed sale deed 2956 dated 26.10.2015 in respect of land in question in their name as also in the name of co-accused Narain on the basis of fake/forged documents i.e. order dated 27.7.2015 of Hon'ble Delhi High Court and fake entry in copy of *jamabandis* despite grant of stay regarding alienation of the said land vide order dated 12.11.2002 of Delhi High Court.

Learned counsel for the petitioners has argued that a bare perusal of the FIR reveals that there is not a single allegation against the petitioners qua the fraud or forgery having been played by them upon the complainant or that a forged order of the Hon'ble Delhi High Court was produced before the revenue officials by the petitioners in order to get the land registered in their favour and as such they are

entitled to the grant of anticipatory bail.

Learned State counsel on instructions from ASI Prem Parkash submits that in the investigation it has surfaced that petitioners-accused are equally responsible for the fraud played upon by them collectively. It is thus submitted that their custodial interrogation would be required.

After hearing the learned counsel for the parties and keeping in view the nature and gravity of the offence and role attributed, it is clear that a deeper probe would be required, therefore, custodial interrogation of the petitioners would be necessary to have a fair and proper inquiry.

Dismissed.

6.5.2016
joshi

(Jaswant Singh)
Judge