

229

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

**CRM-M-11583-2016
Date of decision : 27.04.2016.**

Ghanshyam Dass Khattri

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

Present: Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

M.M.S. BEDI, J.(Oral)

Petitioner seeks concession of regular bail in a case registered at the instance of complainant-Madan Lal Dhingra alleging that he was known to the petitioner for the last two decades. The petitioner used to indulge in real estate business on behalf of complainant on commission basis. Petitioner has been selling and dealing with properties located at different places at Faridabad on behalf of the complainant. In the year 2005-2006, the petitioner entered into an agreement for purchase of complainant's property located in S.G.M Nagar, Faridabad as well as Jawahar Colony, Faridabad and advanced money to the complainant but the deal could not be finalized as petitioner failed to pay the agreed balance sale consideration. As per the allegations in the FIR, during course of various

dealings, the petitioner used to get executed the sale deed, general power of attorney and other documents from the complainant and the complainant used to pay the petitioner commission as remuneration for services rendered by the petitioner. The complainant came to learn about six months prior to the date of registration of the FIR that the petitioner had illegally sold complainant's property situated in S.G.M Nagar at Faridabad by fabricating fake general power of attorney, which is alleged to have been executed and registered by the complainant before Sub Registrar, Katghora, District Korba, Chhattisgarh in the month of May-June, 2007. As per the allegations of the complainant, he never physically appeared before the Sub Registrar, Katghora (Korba), Chhattisgarh at any time and it is the petitioner who in connivance with some unknown persons has prepared general power of attorney in the name of complainant and executed the sale deed of the property owned by the complainant.

The FIR has been registered in the year 2013 pertaining to a transaction of the year 2007. It has been informed that the property which is alleged to have been sold on the basis of fake general power of attorney has further been transferred twice. Taking into consideration the delay of seven years in lodging of FIR and the unreasonable silence on the part of the complainant regarding the transactions; challan having already been presented, the petitioner can be granted the

concession of bail as it has been informed by the learned counsel for the petitioner that the petitioner is an old man suffering from paralysis.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

April 27, 2016
Ramandeep Singh

(M.M.S. BEDI)
JUDGE