

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

CRM-M No.19252 of 2015

Date of Decision:-14.01.2016

Rahul Kataria.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Dr. Surya Parkash, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Varinder Kumar.

Mr. Sanjeev Manrai, Senior Advocate assisted by
Mr. Ashit Jain, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Rahul Kataria in case FIR No.76 dated 18.05.2015 for offences punishable under Sections 420, 409, 120-B of Indian Penal Code registered with Police Station Civil Line, Bathinda.

Complainant Rajiv Garg and the main accused Harish Garg are the real brothers. Co-accused Shivani Garg is the wife of Harish Garg.

Case of the prosecution is that accused Harish Garg on the strength of general power of attorney dated 15.11.2002 had executed two sale deeds dated 28.10.2014 and 12.12.2014 in favour of his co-accused

wife Shivani Garg and son Akshay Kumar regarding properties under the ownership and possession of the complainant so as to cause irreparable loss. He is also alleged to have executed another sale deed dated 12.12.2014 qua another property in the name of the petitioner-accused Rahul Kataria, a resident of Sirsa. The amounts mentioned in the sale deeds were never given to the complainant rather misappropriated by Harish Garg. The complicity of the petitioner-accused is urged on account of the fact that at the time of execution of the sale deed in his favour, it is Shivani Garg who appeared as the purchaser on his behalf without their being any authorisation.

It is an admitted fact that GPA was cancelled by the complainant on 26.12.2014.

Learned Counsel for the petitioner states that the petitioner is vendee in the sale deed dated 12.12.2014 having executed by Harish Garg (registered power of attorney of his brother Rajiv Garg) in respect of 220.45 sq. yards situated in Bathinda for lawful consideration. Learned Counsel states that power of attorney dated 15.11.2002 was executed by way of registered document and that was never cancelled before the execution of sale deed in question. Allegations have been made solely on the basis that wife of Harish Garg signed the document on behalf of the petitioner as vendee. According to learned Counsel, there is no legal impediment for such a sale.

Learned Counsel for the petitioner submits that pursuant to the interim order passed by this court petitioner has joined the investigation.

Learned State counsel assisted by ASI Varinder Kumar submits

that pursuant to the interim order passed by this court petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, interim protection/pre-arrest bail granted vide order dated 5th of June, 2015 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

January 14, 2016
Vinay