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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25165-2016(O&M)

Date of Decision :21.09.2016

Jai Narain and another

..... Petitioners

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr.Kuldeep Tiwari, Addl.AG, Haryana.

Mr.Tribhuvan Dahiya, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail in case FIR No.510 dated 11.09.2015, under Sections 419, 420, 467, 468, 471, 120-B IPC , registered at Police Station Central Faridabad, District Faridabad. On 26.07.2016 the following order was passed:-

“ *Petitioners seek the concession of pre-arrest bail in a case registered at the instance of Hari Chand son of Lajja Ram who expired on March 25, 2001. As per the allegations in the FIR, the sale deed had been executed on September*

19, 2001 by the power of attorney holder Anil Kumar under power of Attorney dated July 28, 1993. The allegation against the petitioners is that they had purchased the property of Lajja Ram on the basis of fake power of attorney.

Counsel for the petitioners has submitted that the power of attorney is dated July 28, 1993 and that the property was sold in 2001. The FIR has been registered after 15 years of execution of the sale deed. Till date no civil suit has been filed to challenge the sale deed in favour of the petitioners.

Notice to Advocate General, Haryana, for September 21, 2016. Meanwhile, an interim direction is issued that the petitioners will join investigation on August 6, 2016 and in case of their doing so, they will be released on interim bail to the satisfaction of the arresting officer.

At this stage, counsel for the complainant Mr. Tribhuvan Dahiya has intervened to oppose the petition for pre-arrest bail contending that on the date of alleged power of attorney in favour of Anil Kumar, the alleged executor Lajja Ram had already died.

Counsel for the complainant will be at liberty to raise arguments on next date of hearing.”

Learned counsel for the petitioners states that petitioners have joined the investigation. Learned counsel for the complainant and learned Addl.AG have accepted the factual assertion but, however, stated that the person who is alleged to be the attorney i.e. Anil Kumar son of Din Dyal, has joined the investigation and states that he was never

the photograph on the sale deed is not of Anil Kumar son of Din Dyal. The only key to this whole mystery is petitioner No.1-Jai Narain who was a witness to the original General Power of Attorney and is the purchaser under the sale deed.

Be that as it may, keeping in view the period of time which has elapsed I do not deem it appropriate to deny the concession of anticipatory bail to the present petitioners.

Consequently the petition is allowed and the order dated 26.07.2016 is made absolute.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

21.09.2016

Sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No