

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

Crl. Misc. No. M-12603 of 2017

Date of decision: 14.04.2017

Jagpal and another

.....Petitioner(s)

Versus

The State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Karanvir Singh Khehar, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No. 67 dated 17.02.2017 under Sections 419, 420, 465, 466, 467, 468, 471, 506, 120-B IPC registered at Police Station Sector 5, Panchkula.

Counsel for the petitioners has submitted that the petitioners are willing to join investigation and give the thumb impressions so that the investigation can be concluded and to find out who actually signed/thumb marked the petition under Section 18 of the Land Acquisition Act, 1984 (in short 'the Act') in which the name of Parvati was incorporated. It is accordingly submitted that custodial interrogation is not required since the documents are in possession of the Court and, therefore, the petitioners are entitled for the benefit of anticipatory bail. Reference is also made to the interim order passed yesterday in Crl. Misc. No. M-12585 of 2017, Smt. Savitri vs. State of Haryana wherein, protection was granted to the mother/step mother of the petitioners. In the FIR which has been lodged, the allegations are that a thumb impression of Parvati

was affixed on the reference petition under Section 18 of the Act and on that account, an amount of ₹5,13,08,536/- has been received by the accused persons.

Resultantly, the Additional Sessions Judge, Panchkula, vide his order dated 07.04.2017 (Annexure P-4), dismissed the anticipatory bail applications of the petitioners while noticing that Smt. Parvati had expired in the year 1961 and the mutation of inheritance was sanctioned on 29.01.1982. The argument which has now been raised that they were not aware that how the name of Smt. Parvati was included as petitioner no. 4 in the said petition was rejected on the ground that it was to mar the rights of other legal heirs and prima facie, there was sufficient material that there was forgery to extract a huge amount from the State. It was noted that to find out that who played an active role in committing the offence, the matter required thorough probe.

This Court, in the case of Smt. Savitri, has already noticed the history on 13.04.2017 while granting protection to the said petitioner, who happens to be the real mother of the petitioner no. 1 whereas, petitioner no. 2 Som Nath is the son of Parvati who was born from Jati Ram. It is not disputed that reference was filed on 23.07.2009 which led to the passing of the order on 23.01.2010 in which Parvati was shown as petitioner no. 4. In execution proceedings dated 24.02.2010 (Annexure P-2), though there is no signature or thumb impression of Parvati but the present petitioners were brought on record as the legal representatives of the said Parvati and, therefore, have received the amount of compensation. It is in such circumstances the benefit of interim anticipatory bail has been granted to Smt. Savitri and also keeping in view the fact that she is aged and having a

medical history and the fact that the compensation has been deposited in the name of the present petitioners.

The argument raised that the petitioners are willing to redeposit the amount received from the State is without any basis. Prima facie, a forgery has been committed as reference petition was filed on 23.07.2009 on behalf of a person who died way back in the year 1961 and, therefore, this Court cannot grant any indulgence to persons who have misused the process of the Court to receive extra compensation.

Accordingly, keeping in view the above, no parity can be sought by the petitioners and the present petition is dismissed since it is a fit case where custodial interrogation would be required to find out as to who appended the signatures/thumb impressions of Parvati in the reference application under Section 18 of the Act. The petitioners being beneficiaries having received the amount from the State are, thus, not entitled for the extra ordinary relief of anticipatory bail.

14.04.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No