

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

**CRM-M No.13456 of 2017**  
Date of decision: 9<sup>th</sup> May, 2017

Suraj

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Sharad Aggarwal, Advocate for the petitioner.  
Mr. Munish Sharma, Asstt. Advocate General, Haryana  
for the respondent/State.  
Mr. R.S. Rai, Senior Advocate with  
Mr. Karan Pathak, Advocate for the complainant.

**FATEH DEEP SINGH, J.**

The petitioner accused Suraj has preferred this anticipatory bail petition under Section 438 Cr.P.C. in case FIR No.0158 dated 29.03.2017 registered at Police Station Surajkund, District Faridabad under Sections 406/420/120-B IPC. The facts divulged before this Court are that complainant T.S. Bhalla on 25.02.2005 entered into an agreement to sell with one Suraj now petitioner, on which one Rampal brother-in-law of the petitioner had signed as an attesting witness, with regard to sale of a plot measuring 1260 square yards situated in Abadi Deh of village Anangpur, District Faridabad. It is alleged that on 06.02.2016 the accused had tried to take illegal possession of the property. It subsequently transpired that the petitioner along with his co-accused has

prepared a fake General Power of Attorney purported to have been given by one Mahesh Trivedi resident of Kolkata who in fact had died much prior thereto and has sought to fraudulently sell off the property leading to registration of the present case. During the course of investigations, it transpired that similar other ten cases have been registered against the petitioner and his associates on similar allegations.

Contentions of the learned counsel for the petitioner Mr.Sharad Aggarwal, Advocate are that it is a case of pure civil dispute over an agreement to sell and has sought to rely heavily upon the civil litigation and orders made thereon placed on the records as (Annexures P2 to P5) whereby stay has been declined to the complainant by the Court of learned Additional Sessions Judge, Faridabad even in appeal and contended that there is nothing to show that the petitioner was never the owner of the property in question as the registered sale deed dated 30.04.2008 has been executed in his favour and that the GPA was duly executed in favour of Vijay Pal son of Rampal on 30.04.2008 and that the original owner Mahesh Trivedi had filed civil suit without any success and sought to place reliance upon (Annexures P6 to P9).

On behalf of the State, Mr. Munish Sharma, Asstt. Advocate General, Haryana and Mr. R.S. Rai, Senior Advocate assisted by Mr.Karan Pathak, Advocate representing the complainant have sought to oppose the grant of bail to the petitioner on the grounds that the petitioner

along his co-accused who all are relatives are running a gang swindling people who are living in other cities and have their immovable properties and that upon investigations it has been revealed that said Mahesh Trivedi, the original owner, neither alive at that time nor executed such documents and fraudulently the GPA has been created which is forged and fabricated and that the petitioner along with his co-accused Vijay Pal, Rampal and others are instrumental in usurping such properties and therefore custodial interrogation is very much essential to unearth the entire nexus.

Appreciating the submissions, the very prima-facie allegations and the stand of the State which has relied upon the report of authorities at Kolkata, to the effect that no such GPA was ever executed at Kolkata in favour of Vijay Pal son of Rampal on the basis of which alleged transactions and civil suit has been filed against the complainant and in fact as per the stand of the State taken before this Court, Mahesh Trivedy had died much prior to the execution of alleged GPA, and therefore, the said document is forged and fabricated which has been created deceitfully to entice and rob the actual owner of his property and innocent prospective intending buyers are matters of great significance together with the history of criminal cases registered against the petitioner, are matters which certainly impinges judicial conscience. Thus, a clear cut case of custodial interrogation of the petitioner is made

out to unearth the entire gamut of these allegations which apparently reflects working of land-mafia which is corroborated by the number of criminal cases of similar nature so registered against the petitioner side and thus, in the totality of the same no ground for grant of anticipatory bail to the petitioner is made out. More so, provisions of Section 438 Cr.P.C. are to be sparingly used. In the light of the same, finding no merit the present petition stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**May 9, 2017**  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |