

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

CRM-M-187 of 2017

Date of Decision: May 26, 2017

Charan Singh and others

...Petitioners

Versus

State of Haryana

..Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Mohinder Singh Joshi, Advocate
for the petitioners.

Munish Sharma, AAG,, Haryana.

FATEH DEEP SINGH, J.

In this second anticipatory bail application under Section 438 Cr.P.C the petitioners apprehending their arrest have again moved this Court. The brief facts that have been brought about are that erstwhile estate of PEPSU has allotted one half share of total land measuring 246 Kanals and 16 Marlas situated in village Dalamwala in favour of Schedule Caste Land Owning Society, Dalamwala (in short, 'SCLOS') which was registered on 16.10.1956 before the Registrar, Co-operative Societies, Patiala. It is the admitted stand that there were originally 46 members of the society including one Sish after whose death his son Hari Ram stepped into his shoes and after the death of Hari Ram his son Jai Bhagwan became member of this society. The allegations against the petitioners who all three happens to be the sons of Chander Singh (also referred to as Shishu) are that a complaint was moved before the learned Chief Judicial Magistrate, Jind that the accused Narayan son of Chander

Singh, Chander Singh son of Shish Ram, Charan Singh, Karan Singh, Ran Singh, sons of Chander Singh who were already facing criminal charges for various offences of cheating, fraud and forgery without being the members of the society having no title over the property of the society with the fraudulent and illegal intention of usurping the same on the strength of forged and fabricated record of the land during the course of partition proceedings before the Tehsildar impersonating to be the members as well as President of the society after forging signatures of the other members filed a civil suit before a Court where they relied upon these forged and fabricated documents with the intention to grab this property of the society by misusing process of law and had tried to entered into an agreement to sell dated 18.04.2014 with one Jatinder and others with intention to cheat and in the process had taken a sum of Rs.20 lacs in cash claiming to be the real owners fully aware of the title of the property in which Ran Singh/petitioner signed the documents and the other accused connived.

The contentions of the learned counsel for the petitioners that the parties are litigating over the property and matter is also pending before the Civil Court and other Courts and that Chander Singh is a senior citizen and that nothing is to be recovered from the petitioners and the very possession, question of title is to be determined by the Court and, thus, prayed for grant of bail.

Same is opposed by learned State counsel with much vehemence on the grounds that the accused in connivance with each other hatched a conspiracy and duped the innocent persons of their valuable money by making fraudulent misrepresentation and that the entire scandal is

to be thoroughly investigated, whereby, even local authorities have been duped and, therefore, custodial interrogation of the petitioners is very much essential.

Appreciating the submissions this Court vide orders dated 22.12.2016 has already dismissed the similar bail application of the petitioners. Learned counsel for the petitioners could not convince this Court how fresh ground has arisen or canvassed necessitating filing of second anticipatory bail application.

In the light of the allegations of the prosecution, seriousness of the allegations and heinousness of the offence and the utter failure of the learned counsel for the petitioners to show to this Court how the petitioners have any title or interest in the property in question by means of any document and that the investigations are at crucial stage for which the custodial interrogation of the petitioners is required and that the provisions of Section 438 Cr.P.C are to be sparingly used impels this Court to dismiss the present application.

(FATEH DEEP SINGH)
JUDGE

May 26, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No