

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

- 1. CRM-M-21663-2017**
- Balbir Singh
..... Petitioner
- Versus
- State of Haryana
..... Respondent
- 2. CRM-M-26693-2017**
- Kamlesh
..... Petitioner
- Versus
- State of Haryana
..... Respondent
- 3. CRM-M-28524-2017**
- Khem Chand
..... Petitioner
- Versus
- State of Haryana
..... Respondent

Date of decision : 26.10.2017

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr. Johan Kumar, Advocate
for the petitioner in CRM-M-21663-2017.

Mr.Jagjot Singh Lalli, Advocate
for the petitioner in CRM-M-26693-2017.

Mr.Sanjay Vashisth, Advocate
for the petitioner in CRM-M-28524-2017.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-21663-2017** filed by petitioner Balbir Singh and **CRM-M-28524-2017** filed by petitioner Khem Chand and another petition for regular bail i.e. **CRM-M-26693-2017** filed by petitioner Smt.Kamlesh, all of them being accused in FIR No.771 dated 29.10.2016 for offences under Sections 406, 420, 467, 468, 471, 120-B IPC, registered with Police Station Central, Faridabad, District Faridabad.

Briefly stated, facts of the case as per prosecution story are that complainant Sharwan Kumar son of Sh.Dharam Chand Gandhi had submitted a complaint to Deputy Commissioner of Police, Faridabad contending therein that Plot No.E-1/13, Sector-11, Faridabad had been purchased by complainant and his two brothers vide registered sale deed dated 1.8.1991 and 10.4.1992; that at the said time plot was enclosed by a boundary wall with sheds existing therein; that the complainant and his brothers started running a saw mill in that property, which business they continued for 20 years; that thereafter they started using the plot as a godown and office; that about 7-8 days prior to submission of the complaint, some unknown persons came to see the the plot and they offered to purchase the same from one woman namely Kamlesh; that they had stated that they are having one conveyance deed issued by DLF regarding the plot; hearing that complainant and others became surprised; that it came out that by showing the conveyance deed, Kamlesh had taken compensation of Rs.77 lacs since the land had been acquired for Metro Station Project at Mujeshar; that it came out that an amount of Rs.77 lacs had been grabbed by

some fictitious woman for causing loss to Government exchequer with bad intention and dishonesty; that in the acquired area Plot No. No.E-1/13, Sector-11, Faridabad is not included, even then the Estate Officer and Land Acquisition Officer in connivance with some other persons had deposited the amount of compensation for acquired land; that some of the amount has been withdrawn on the basis of forged documents; that the land which was acquired was to be used for service road but Land Acquisition Officer on old killa numbers of area of Mujeshar and very old revenue record had got distributed to the wrong person; that the conveyance deed on the basis of compensation was withdrawn in name of Kamlesh happened to be a forged one document. On the basis of such complaint, formal FIR was registered. The matter was investigated. Accused Kamlesh was arrested in this case. During her interrogation, she named Balbir Singh and Khem Chand as co-conspirators in getting the amount of compensation released to her. The other two accused – petitioners have approached the Court for grant of pre-arrest bail.

Notice of the petitions was given to the respondent – State, which put in appearance through State counsel.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record and I find that the allegations against the petitioners are too grave and serious and do not warrant for grant of regular bail to petitioner Kamlesh and pre-arrest bail to other two accused/petitioners.

The very allegations that they had forged the documents in order to obtain compensation of more than Rs.70 lacs ring an alarm bell in

the mind. As far as accused Balbir Singh and Khem Chand are concerned, though they have joined the investigation in terms of the interim bail granted to them but as stated by the Investigating Officer, they have not rendered full co-operation in the investigation. Therefore, custodial interrogation of these petitioners seems to be necessary to get the requisite information from them, which would be useful in further investigation of the case. It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him.

As far as petitioner Kamlesh is concerned, she has got a main role to play since it was in her name wrong documents were prepared. It was she, who had received the compensation amount running into lacs of rupees. Therefore, if she is granted regular bail, there are every chances of her absconding and trying to tamper with the prosecution evidence, which is uncalled for. Similarly, in case custodial interrogation of the petitioners Balbir Singh and Khem Chand is denied to the investigating agency that would leave many loose ends and gaps in the investigation adversely affecting the investigation being carried out adversely which is not called for.

Finding no merits in the petitions, the same stand dismissed.

(H.S. MADAAN)
JUDGE

26.10.2017
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**