

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

**CRM-M-31442-2016 (O&M)
Date of Decision: March 16, 2017**

Tanu Sharma and another

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Manoj Kaushik, Advocate
for the petitioner(s).

Mr.Tanuj Sharma, A.A.G., Haryana.

Mr.Keshav Pratap Singh, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.155 dated 7.8.2016 registered for the offences punishable under Sections 420, 406, 120-B IPC, at Police Station, Tigaon, District Faridabad .

Heard.

FIR was registered on the complaint made by Virender Singh wherein he alleged that he entered into an agreement to purchase 22K-5M of land situated in village Kabulpur with M/s Earth Buildmart private

Limited through Naveen Kumar authorized representative of Ashok Kumar and Dharam Pal directors of the company. He made payment of ₹ 85 lacs out of the total sale consideration of ₹ 3,64,34,375/-. The possession of the land is still with the complainant but in order to defraud him, the aforesaid persons namely Ashok Kumar, Dharam Pal and Naveen Kumar executed a fake power of attorney in favour of Sandeep Dutt Sharma who executed a fake sale deed in favour of Tanu Sharam with regard to that land. The possession was also shown to have been delivered to Tanu Sharma while at the spot, the complainant is in possession.

Learned State counsel submits that during the investigation, this fact has come on record that Raj Kumar Sharma husband of petitioner No.1-Tanu Sharma entered into an agreement to sell with M/s Earth Buildmart Private Limited regarding the suit land and then executed general power of attorney in favour of Sandeep Dutt Sharma who executed the sale deed in favour of Tanu Sharma. All this was done to defraud the complainant.

The petitioners have since joined the investigation. The entire case is based on documentary evidence. The sale deed and power of attorney are registered documents, copy of which can easily be obtained from the concerned office.

It is submitted that the petitioners have already joined investigation as per order dated 22.8.2016 passed in CRM-M-28841-2016.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 22.8.2016 passed in CRM-M-28841-2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

March 16, 2017
Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No