

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

CRM-M-39518-2017

Date of decision:- 1.12.2017

Rajesh Sharma

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms.Deepa Jain, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner - Rajesh Sharma, an accused in FIR No.431 dated 3.10.2016 for the offences under Sections 420, 467, 468, 471 IPC, registered with Police Station Bhupani, District Faridabad.

Briefly stated, the facts of the case as per prosecution version are that FIR in question was registered at the instance of complainant Satish Chander Sharma son of Vidha Ram Sharma, resident of H.No.220, A—Block, Dheeraj Nagar, Faridabad, Haryana. *Inter alia*, he contended that he has got four daughters, three of them being married and one

unmarried; that he is not having any son; that in the year 2008, accused Rajesh, who happens to be his nephew came from village and started residing in rented accommodation while working with Arundev, Builder. According to the complainant, he had purchased property in the name of of his wife at village Nacholi having area of 3 Kanals 4 ½ marlas, out of which he sold some land in the form of 4-5 plots at the time of marriages of his daughters, whereas remaining land was lying vacant since he was not keeping well and was unable to look after his property. In the year 2015 several people came to him bringing copies of agreements asking him to execute the sale deeds. After going through those agreements, he found that accused Rajesh had sold plots out of the land of complainant by forging his signatures on the agreements. One of such agreement was signed by Rajesh as a witness. The complainant contended that he was shocked and called Rajesh asking him about those forged documents. Rajesh fell on his foot, admitted his mistake and asked for forgiveness saying that he would return the amount to him but no legal action be taken. According to the complainant, he had informed father of accused, who gave assurance of returning the amount, however, during that period the purchaser of the plots started harassing the complainant and his family and the complainant had sold his house to return the amount to the buyers and when he asked the accused and his father to return the amount, they threatened to kill him.

As per version of the complainant on 18.6.2006, he had put an advertisement in the Newspaper Dainik Jagran that Rajesh had prepared a forged I.D. Card i.e. Aadhar Card etc. by writing name of the

complainant as his father which was factually wrong. Rajesh had forged signatures of the complainant and got ATM Card of ICICI Bank, Sector 29, Faridabad and withdrew the amount in lacs, in that way committing fraud with the complainant while causing wrongful gain to himself. In addition to that accused had forged signatures of Smt.Geeta Sharma, wife of complainant on the agreement to sell and usurp the money running into lacs of rupees from many people. According to complainant, he had purchased land measuring 6 Kanals 19 Marlas on 26.2.2014 at Bhupani in his name but the accused got the mutation of the property sanctioned in his name. The complainant prayed for taking of action. Accordingly formal FIR was registered.

Apprehending his arrest in this case, accused had approached the Court of Sessions by moving application for grant of pre-arrest bail, however, his such application was dismissed by learned Additional Sessions Judge, Faridabad vide order dated 29.9.2017, as such, the petitioner - accused approached this Court for grant of that very concession.

Notice of the petition was given to respondent – State, which has appeared through State counsel. The petitioner was granted interim bail, during the course of which he had joined the investigation but as stated by the State counsel, he has not rendered co-operation, has not got the recovery effected and not disclosed the facts within his knowledge.

I have heard learned counsel for the parties besides going through the record.

Learned State counsel submits that though in terms of the

order passed by this Court, the petitioner had joined the investigation but since he was couched in comparative safety of the interim bail, he did not come forward to disclose all the facts within his knowledge. In that way, his custodial interrogation is a must for complete and effective investigation.

The allegations against the accused are in fact very grave and serious. He has played a big fraud with his own uncle by way of forgery and fabrication of documents cheating him of lacs of rupees.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

1.12.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No