

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44370 of 2016

Date of Decision: 19.04.2017

Narender

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amrik Singh Kalra, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

SURINDER GUPTA, J.

Present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 458 dated 11.11.2016 registered for offences punishable under Sections 420, 467, 468 and 471 of Indian Penal Code (for short 'IPC'), at Police Station Rai, District Sonipat.

As per case of prosecution, a plot measuring 1 *kanal* situated in village Libaspur Bahalgarh, District Sonipat was purchased by Surat Singh, father of complainant, vide sale deed dated 12.01.1998. He later on came to know that some persons by playing fraud and impersonating as Surat Singh have sold the said plot. Surat Singh had died on 31.10.2012 while the alleged sale deed was executed on 26.10.2016. Vendor Surat Singh was identified by the petitioner.

Learned State counsel has argued that the petitioner is main accused in this case. During investigation, it has come on record that the petitioner fabricated Aadhaar Card in the name of Surat Singh, opened an account in a bank in the name of Surat Singh using his identity proof and took sale consideration of land of Surat Singh. His thumb impression is also on the

sale deed. Affidavit of Abhishek Aggarwal (Annexure P-4) relied upon by the petitioner was also fabricated by him by playing fraud with said Abhishek Aggarwal. Custodial interrogation of the petitioner is required to ascertain facts as to from where he forged the Aadhaar Card and whose assistance he has taken in the entire fraud played by him.

Learned counsel for the petitioner has argued that the petitioner is merely a witness and has identified the person, who appeared as Surat Singh after seeing his Aadhaar Card, as such, is not concerned with fabrication of identity proof of Surat Singh and other matters relating to execution of the sale deed. Case is based on documentary evidence and the petitioner is ready to cooperate with police in investigation, as such, he may be allowed anticipatory bail.

On giving a careful thought to submissions of learned counsel for the petitioner, I do not find it to be a fit case to grant anticipatory bail to the petitioner. During investigation several facts have come on record, which include forging of Aadhaar Card by the petitioner, opening of account in bank in the name of Surat Singh using his identity proof, receiving of sale consideration, his thumb impression on sale deed and forging of affidavit of vendor. For thorough investigation of the matter and to nail the other culprits custodial interrogation of the petitioner will be of great assistance to the investigating agency.

Keeping in view above facts, this petition has no merit and the same is dismissed.

April 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No