

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44602 of 2017
Date of Decision: 01.12.2017

Raj Kumar Bhatia

....Petitioner

VERSUS

Central Bureau of Investigation and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jatinderpal Singh, Advocate
for the petitioner.

Mr. Sumeet Goel, Advocate
Retainer counsel for respondent-CBI.

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. 16 (RCCHG2016A0016) dated 29.07.2016 registered for offences punishable under Sections 120-B/417/420/467/468/471 of Indian Penal Code (for short 'IPC'), at Police Station CBI/ACB, Chandigarh.

Heard.

In the FIR registered on the direction of Hon'ble Apex Court in Civil Appeal No. 13471 of 2015 arising out of SLP (C) No. 3504 of 2015, titled Raj Kumar Bhatia vs. Estate Officer, CBI presented final report before the trial Court against petitioner and one J.S. Viridi. The allegations against petitioner as contained in paras 16.6 and 16.16 of final report are as under:-

“16.6 Investigation has revealed that Sh. Raj Kumar Bhatia dishonestly prepared a Will dated 14.03.2011 executed by Ms. Meenu Vaid in favour of Sh. Jatinder Singh Birgi and the same was dishonestly drafted by Sh. Raj Kumar

Bhatia and later got it typed from a typist of District Courts, Chandigarh. Thereafter, he had dishonestly put his signature on the alleged Will as witness no. 1 and also obtained signature of another person Col. Subhash Chander Kohar as witness no. 2, who met Sh. Raj Kumar Bhatia in the market of Sector 8, Chandigarh when he was searching for rented accommodation for himself. However, signatures of Ms. Meenu Vaid were already appended on the alleged Will when Col. Kohar saw the document. Mr. Raj Kumar Bhatia signed the purported Will in front of Col. S.C.Kohar as a first attesting witness and thereafter obtained the signature of Col. S.C. Kohar stating that the Will would be got registered and his signature is just formalities sake.

16.16 Investigation has revealed that Sh. Raj Kumar Bhatia and Sh. Jatinder Singh Birgi, on the strength of fake/forged Rent Agreement dated 14.03.2011 and Agreement to Sell dated 16.03.2011 and dishonestly claiming that a Will was executed in favour of Sh. Jatinder Singh Birgi by Ms. Meenu Vaid, matured a deal of the said house on a consideration amount of ₹3.25 crores with Sh. Rattan Lal son of Sh. Sita Ram on 23.04.2011. He paid an amount of ₹30 lacs as earnest money, out of which ₹5 lacs were paid directly to Sh. Raj Kumar Bhatia in cash at the time of deal and ₹25 lacs were paid through Cheque bearing No. 596281 dated

23.04.2011 in favour of Sh. Jatinder Singh Birgi and drawn in Punjab National Bank, Branch Office Sector 19, Chandigarh. Thereafter, an Agreement to Sell dated 27.04.2012 was executed between Sh. Jatinder Singh Birgi and Sh. Rattan Lal in respect of the house in presence of Sh. Raj Kumar Bhatia and two witnesses. Thereafter, the said cheque was released in the bank Account No. 0087000110800081 of Sh. Jatinder Singh Birgi with Punjab National Bank, Sector 17, Chandigarh on 28.04.2011. Thereafter, Sh. Jatinder Singh Birgi sent an amount of ₹24 lacs to his account no. 003104000127608 IDBI, Sector 8, Chandigarh through RTGS from the said account of Punjab National Bank. During investigation, it was revealed that Sh. Raj Kumar Bhatia had received ₹5 lacs in cash from the said deal and ₹10 lacs through cheque which was transferred in bank account no. 195104000027104 maintained with IDBI, Sirsa of Smt. Sudesh Rani Bhatia, w/o Sh. Raj Kumar Bhatia on 07.05.2011.”

Learned Special Magistrate, CBI issued process to procure presence of petitioner. The allegations relate to property owned by G.D. Vaid and revolve around the fake rent agreement, agreement to sell and a Will. During investigation, the investigating agency has never required custodial interrogation of the petitioner, who was not arrested and after completion of investigation challan was filed.

Keeping in view above facts that custodial interrogation of the

petitioner was never required by the CBI during investigation, there will be no purpose of arresting petitioner and putting him behind bars when the trial is in progress.

Without expressing any opinion on the merits of the case, this petition is allowed and petitioner is directed to surrender before the trial Court/Duty Magistrate, within two weeks and on his appearance, he shall be released on bail on his furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate, on such terms and condition as fixed by the Court accepting his bail and surety bonds.

December 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No