

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-14952 of 2017 (O&M)

Date of decision: June 01, 2018

Pradeep Chauhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate for the petitioner.
Ms. Tanushree, Deputy Advocate General, Haryana.
Mr. H.S. Bhullar, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 467, 468, 471, 120-B IPC, at Police Station Pataudi, District Gurugram, vide FIR No.220 dated 03.06.2016.

It was urged before the court that petitioner has no role to play in the crime. Allegations against him are false and frivolous. He had been implicated in the case at the behest of his brother namely, Sandeep Chauhan.

Prayer was opposed by the State. According to it, allegations against the petitioner are serious in nature. His custodial interrogation is required for taking the investigation to its logical end.

A complaint was received regarding forgery and fabrication of judgment and decree dated 01.04.2013 titled as "Pardeep Vs. Bishan Singh" in Civil Suit No.69 of 2003. An enquiry was marked to Tarun Single, Additional Civil Judge (Sr. Division), Pataudi. He found that the allegations of forgery and fabrication were correct and thus, recommended registration of case by the police. It appears, father of petitioner owned property in Tehsil Pataudi,

District Gurgaon. Petitioner allegedly had evil eye on the said property. He filed the instant civil suit at Pataudi. Suit was filed on 12.3.2013 and decreed with the consent of his father on 01.04.2013. Thereafter, certain alterations were made in the judgment and decree to benefit the petitioner. Entire crime was committed in collusion with court official(s). Out of them, Dharampal, Civil Ahlmad has already expired. The fact finding enquiry report was submitted before the District & Sessions Judge, Gurgaon. On his direction, FIR was lodged. Investigating agency found some cuttings/interpolations with black pen in the decree. These cuttings were not certified by the Presiding Officer. Pardeep Chauhan is stated to be beneficiary of this fraudulent exercise. After getting the consent decree, he in connivance with the court official(s), converted his half share into full share, thereby depriving other legal heir(s) of legitimate due. Considering the manner, in which the crime has been committed, particularly fabrication of the records in connivance with official(s), petitioner is not entitled to concession of anticipatory bail. Modus operandi of the entire crime needs to be unravelled. For this purpose, his custodial interrogation may be absolutely necessary. The petition is without any merit and is hereby dismissed. Further investigation of the case be supervised by Commissioner of Police, Gurugram.

(RAJAN GUPTA)
JUDGE

June 01, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No