

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26400-2018

Date of decision: 18.07.2018

Balbir Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Brar, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This is 3rd petition praying for grant of anticipatory bail in FIR No.81 dated 21.03.2018 under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Rania, District Sirsa.

The first petition filed by the petitioner was dismissed as withdrawn with liberty to approach the Court of Sessions vide order dated 30.04.2018. Thereafter, in the second petition, counsel for the petitioner, after arguing the case for some time, withdrew the same vide order dated 22.05.2018. This 3rd petition has been filed with the averments that in the earlier petitions, agreement to sell was not placed on record.

Brief facts of the case are that FIR was got registered at the instance of Sub Divisional Magistrate, Ellenabad against the petitioner and other accused persons with the allegations that as per order of the District

Collector, Sirsa, an enquiry was conducted with regard to disputed agreement to sell dated 14.10.1997 and after conducting the enquiry, the same was found to be prepared in a forged manner.

Learned counsel for the petitioner submits that the agreement to sell has been executed between his father, brother of his father and one Amar Lal and the petitioner is not a direct beneficiary of the same. It is further submitted that on an earlier occasion, one Harpal Singh had filed a complaint under Section 156 (3) Cr.P.C. against the petitioner before the Illaqa Magistrate for registration of an FIR, but the same was dismissed by the Judicial Magistrate 1st Class, Ellenabad vide order dated 05.10.2016. In revision petition filed against the order dated 05.10.2016, the revisional Court granted liberty to the complainant/revisionist to get the evidence recorded before the Magistrate in support of the complaint, by observing that the order remanding the case back will have no bearing on merits of the case. Learned counsel for the petitioner further submits that in the order dated 11.09.2017 passed by the revisional Court, it was observed that nothing is to be recovered from the petitioner as the documents are already on record.

Notice of motion.

On asking of the Court, Mr. Sidakmeet Sandhu, AAG, Punjab accepts notice on behalf of the respondent-State while Mr. Satbir Gill, Advocate has appeared on behalf of the complainant.

Learned counsel for the complainant submits that the petitioner and his father were tenants of the land in dispute and they filed a suit for

injunction praying for a decree that they should not be dispossessed except in due course of law and made a statement that they will take the possession in due course of law. Thereafter, the eviction petition was filed by the complainant before the Sub Divisional Magistrate, which was allowed and the petitioner along with others filed an appeal before the District Collector and during pendency of the appeal, an application was moved for amendment of the grounds of appeal and for the first time, this agreement to sell dated 14.10.1997 was set up. During pendency of the said appeal, District Collector has marked an enquiry regarding validity of the said agreement to sell, as the complainant has raised an objection that as per RTI information received from the office of Treasurer, stamp No.3833 dated 14.10.1997, on which the said agreement to sell was scribed, was not issued by the Treasury office, Rania.

Learned counsel for the complainant has further submitted that description of the land i.e. khata/khatoni/khasra number, as mentioned in the agreement to sell, was not there in the jamabandi pertaining to the year 1998-99 and these numbers came in existence subsequently, which itself shows that the said document was forged by the petitioner. It is further submitted that even with regard to purchase of property, a suit for presumption was filed by the petitioner and other co-accused claiming a right of presumption on the basis of tenancy and in those proceedings, the agreement to sell was never produced. It is thus submitted that this agreement to sell has been forged now with back date and therefore, prima facie offence under Sections 420, 467, 468, 471, 120-B IPC is made out.

After hearing learned counsel for the parties, I find that there are no new grounds for filing this 3rd petition for anticipatory bail.

The FIR has been registered on asking of the Sub Divisional Magistrate, who has conducted an enquiry with regard to validity of the agreement to sell dated 14.10.1997 and found that the stamp papers were not obtained from the State Treasury, Rania and therefore, the custodial interrogation of the petitioner is required to find out, from where the said stamp papers were procured by the petitioner, as it is an offence against the State and has serious consequences. In the investigation, it may come on record that similar fake stamp papers were circulated to other persons by causing financial loss to the State Exchequer.

In view of the above, this petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

18.07.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No