

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

**Crl. Misc. No.M-30386 of 2018 (O&M)
Date of Decision: August 10, 2018**

Arvind Kumar

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.K. Bhatti, Advocate for
Mr. Vinay Puri, Advocate
for the petitioner (s).

Mr. Amrik Narwal, D.a.G. Haryana.

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.170 dated 19.02.2018 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code, at Police Station Sector-7, Faridabad.

Heard.

As per case of the prosecution, Mahender Sharma (non-applicant/co-accused) came to complainant Satyanarayan Mangla for purchase of his house. The complainant was in need of money and agreed to sell his house to him. On 23.10.2017, Mahender Sharma came with Sanjay Jain and the deal for sale of house was settled for ₹72,00,000/-. An agreement was executed in the office of Sanjay Jain and a sum of ₹50,000/-

was paid to the complainant as earnest money and receipt was taken from him. On 14.11.2017, Mahender Sharma paid ₹1,50,000/- to complainant and another sum of ₹5 lakhs was paid on 17.11.2017. He told the complainant that agreement will be prepared after some days as his wife was not well and took the photocopy of the conveyance deed of his house. Agreement was executed on 21.11.2017 and date for execution of the sale deed was fixed as 23.02.2018.

On 01.02.2018, some persons came to the house of complainant from Vijaya Bank, Janakpuri, Delhi and inquired about accused Mahender Sharma. They apprised the complainant that Mahender Sharma had taken a loan of ₹50 lakhs from their bank on the house of complainant and had also executed a sale deed of this house. Next day, a police official from Police Station Sector -7, Faridabad came to the house of complainant and inquired about Mahender Sharma. That police constable apprised the complainant that Mahender Sharma has gone missing with a lady and a child. On inquiry, it transpires that Mahender Sharma had got the sale deed of the house of complainant registered in his name and had also taken the loan on this house from the bank.

Learned State counsel has argued that allegations against the petitioner is that at his instance, one Naveen had impersonated as complainant at the time of execution of the sale deed. All the forged documents were prepared by the petitioner and one more similar FIR bearing No.68 of 2018 has also been registered against him at Faridabad.

Learned counsel for the petitioner has argued that the petitioner is not named in the FIR. He is also not a beneficiary of the sale deed and is

ready to surrender before the investigating officer to join the investigation as his custodial interrogation is not required.

Keeping in view the facts of the case and that it is a case where not only the complainant but Vijaya Bank has also been duped of ₹50 lakhs by mortgaging house of complainant with the bank on the basis of fake sale deed in favour of Mahender Sharma, I am of the opinion that custodial interrogation of the petitioner, against whom, the allegations are that he had arranged for the impersonator for the complainant and forged the other documents as required. I do not find any reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

August 10, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***