

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

CRM-M-32733-2018 (O&M)

Date of Decision:- 10.9.2018

Dinesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Rai, Senior Advocate with
Mr. Manish Soni, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. Aman Pal, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of anticipatory bail in a case registered against him in FIR No.214, dated 19.7.2018, under Section 420, 467, 468, 471 and 120-B IPC, Police Station Farrukhnagar, Gurugram.

The FIR was lodged at the instance of Yogesh Kumar and Subhash Chand wherein it has been alleged that they had agreed to sell 300 Sq. Yards of land to the petitioner and the sale deed for the said purpose was to be executed. However, on the day when the sale deed was to be registered, petitioner-Dinesh took complainant to an area in Sub-Registrar's office, where photographs were taken and obtained his signatures on the

sale-deed and the clerk present there did not inform complainant anything. Thus, in this manner the complainant's signatures were obtained on sale-deed, where the description of the land was changed from 300 Sq.Yds. to 4 kanals.

Notice of this petition was issued to the respondent.

Learned State counsel assisted by Mr. Aman Pal, Advocate, counsel for the complainant have opposed the present petition.

Learned counsel for the petitioner has submitted that in fact a bare perusal of the sale deed in question would show that there is no tampering or any over-writing or interpolation in the sale deed as regards the description of the land, although, the same has been mentioned with a pen while rest of the contents are typed. Learned counsel has further submitted that the complainant is a well educated man and is a teacher and has himself executed as many as 30 sale deeds earlier and it cannot be said that he was so naive so as to have sold his land without reading contents of sale-deed.

Learned counsel has further submitted that in fact the sale consideration as mentioned in the sale deed in question works out to ₹930/- per Sq. Yard and that on an earlier occasion, in sale deed Ex.P-12 dated 20.12.2017 executed by the complainant himself, the sale consideration was ₹828 per Sq. Yard which would virtually negate the allegation that the description of area to be sold has been tampered with in the sale-deed so as to increase the same from 300 Sq. Yards land to 4 kanals. Learned counsel for the petitioner has also referred to the Collector rates and has submitted that a perusal of the Collector rates shows that while for the agricultural land the rates have been mentioned per acre but in the case of commercial land

the rates have been mentioned per sq. yard and that the present land is agricultural land only and thus its value is less than commercial land.

On the other hand learned State counsel assisted by Mr. Aman Pal, Advocate, counsel for the complainant has submitted that the land in question is prime land, situated near the Gurugram-Patodi Highway having lot of potential. The learned counsel for complainant has referred to some photocopies of the sale deeds executed in the area, as per which the sale consideration of other land in vicinity is more than ₹ 1.5 crores per acre. The learned State counsel has thus submitted that in these circumstances, given the potential of the area, it is unlikely that anybody would sell a piece of 4 kanals land for ₹ 22.5 lacs only.

Having considered the rival submissions, I do find that there is a lot of variation in the sale considerations, as mentioned in the various sale deeds referred to by learned counsel for the complainant. It certainly cannot be disputed that the area where the land is situated having proximity to Gurgaon would have lot of potential and the sale consideration as mentioned to be ₹ 45 lacs per acre rather appears to be on lesser side. At the same time, I also find that from a perusal of the sale deed in question, nothing is visible to the naked eye from which it can be said that there is any cutting or overwriting in any manner, though of course it remains unexplained as to why the areas have been mentioned with pen whereas the entire sale deed has been printed with the help of a computer. I further find that the sale deed in question has been duly signed by the complainant on all the pages and certainly a lot needs to be explained that under what circumstances such

signatures has been affixed especially when the complainant can't be said to be naive having executed a large number of sale deeds earlier.

In any case the entire case is mainly based on the sale deed in question which is already in possession of the police. It would be for the police to seek the report of hand-writing expert and also to look into the records maintained in the office of the Sub-Registrar.

Having regard the to aforesaid facts and circumstances and bearing in mind the fact that the entire case is based on documentary evidence, in my opinion it is not a case where custodial interrogation is required. The petition, as such, is accepted and the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

September 10, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No