

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

CRM-M-35287 of 2017 (O&M)  
Date of decision: May 21, 2018

Satbir

...Petitioner

Versus

State of Haryana & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Gautam Dutt, Advocate for the petitioner.  
Mr. Chetan Sharma, AAG, Haryana.  
Mr. Himmat Deol, 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 and 471 IPC at Police Station Tauru, District Nuh, vide FIR No.327 dated 28.082017.

Complaint was lodged by Champa Devi wife of Hari Ram. She stated that she was an old lady and was hard of hearing. Her husband died in the year 1992 leaving behind four sons and five daughters. One son namely, Krishan Kumar was looking after her. She owned 09 acres valuable land, regarding which she had executed a Will and Power of Attorney in favour of her son Krishan Kumar and grand sons Rahul and Ajay divesting her other sons of the property. Six years prior to the lodging of complaint, she went to Rewari. At that time her other son(s) succeeded in obtaining her thumb impressions on an agreement in respect of land owned by her.

This was done by administering her intoxicating substance. Petitioner

played major role in this conspiracy. In the agreement, it was shown that an amount of Rs.1,77,87,600/- was paid to Champa Devi in lieu of sale of land. During the course of inquiry by the police, it was revealed that not even a single penny had been remitted to the complainant. As the police found that a fraud had been played upon the complainant, instant FIR was lodged and investigation ensued.

At the time of issuance of notice of motion, the petitioner was directed to join investigation. He was also asked to produce evidence regarding availability of cash to the tune of Rs.1,77,87,600/- with him at the time of execution of agreement. Reply by way of affidavit of Virender Singh, Dy. Superintendent of Police, Tauru has been filed in court. It is stated therein that there is not even iota of evidence to show that petitioner had Rs.1,77,87,600/- on the date of alleged agreement. Besides, he was not an income tax assessee. The material given by him in support of his contention that he was having the amount of Rs.1,77,87,600/- with him, on the date of agreement, was not found cogent.

In view of above, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. His custodial interrogation may be absolutely necessary for taking the investigation to its logical end. In case petitioner is armed with a protective order, he would not cooperate the investigating agency. Under the circumstances, the petition is without any merit and is hereby dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

May 21, 2018  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No