

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1453 of 2019

- B. B. Singh S/o Shri Suryabhan Singh Aged About 53 Years R/o Shine Hospital Road, Behind Subham Vilas, New Rajendra Nagar, Police Station Rajendra Nagar, District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through (District Magistrate Rajnandgaon), Police Station Bagnadi, District Rajnandgaon, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1464 of 2019

- Harjinder Singh Bhatia S/o Late Avtar Singh Bhatia Aged About 52 Years Caste - Sikh, R/o Budwari Para, Ward No. 15 Dongargarh Tehsil Dongargarh, District Rajnandgaon.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Baghnadi, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant (MCRCA No. 1453/19)	: Shri T.K. Jha, Advocate.
For Applicant (MCRCA No. 1464/19)	: Shri Pawan Kesharwani, Adv.
For Respondent/State	: Shri Alok Nigam, G.A.
For Objector	: Shri Ankit Singhal, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

29/11/2019

Heard.

1. Since both the cases arise out of same Crime Number, therefore, they are being decided by this common order.
2. The Applicants are apprehending their arrest in connection with Crime No. 35/2019 registered at Police Station Baghnadi, District – Rajnandgaon, (C.G.). for the offence punishable under Sections 420, 467, 468, 471/34 & 120-B of Indian Penal Code.
3. Facts of the case in brief is that, on 11.08.2019 complainant Vivek Agrawal made a report alleging therein that certain government land have been sold by applicant Harjinder Singh Bhatia (MCRCA No. 1464/2019) by manipulating in revenue records. Subsequently, when inquiry was made by complainant, it was revealed that applicant Harjinder in connivance with the Patwari and others, sold the government land. Allegations against applicant B.B. Singh (MCRCA No. 1453/2019) is that he convinced the complainant to purchase the land of Harjinder Singh, knowing the fact that the said land is a government land. On the basis of the said, offence has been registered.
4. Learned Counsels appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. It is further submitted that in the year 2011, applicant Harjinder Singh had purchased the land from Jagdish, Chaitram, Sukhram, Faguaram & others through registered sale deed. Thereafter, he sold the land to the complainant Vivek Agrawal in the year 2011 itself. Initially, Harjinder Singh purchased the land after Patwari had given the necessary documents, showing that the property stood in the name of the sellers. It is jointly submitted by both

the Counsels that, *prima facie*, no offence can be made against any of the applicants. Also, there is no requirement of custodial interrogations. It is further submitted that none of the sale deed which are in the name of Harjinder Singh and which he has sold the complainant has been questioned before any Court of law till date. Thus, it is prayed that for this reasons, applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State and Objector oppose the bail application and submits that applicant Harjinder Singh with the help of applicant B.B. Singh purchased huge chunk of government land by way of interpolating in the revenue records with the help of other co-accused persons and thereafter sold the land to the complainant. Looking to the above, applicants may not be granted anticipatory bail.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that applicant Harjinder had purchased the land through registered sale deed and thereafter sold the land to the complainant, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) They shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge