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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.6768 of 2019**Order Reserved on : 8.11.2019Order Passed on : 13.11.2019

Jagjeet Singh Saluja, aged about 49 years, S/o Late Pratap Singh Saluja,
R/o Hatri Bazar, Bhatapara, Police Station Bhatapara Shahar, District
Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Bhatapara City, Chhattisgarh

---- Respondent

M.Cr.C. No.6688 of 2019

Jagjeet Singh Saluja, aged about 49 years, S/o Late Pratap Singh Saluja,
R/o Hatri Bazar, Bhatapara, Police Station Bhatapara Shahar, District
Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Bhatapara City, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.852 of 2019

Satyajeet Singh, S/o Pratap Singh Saluja, aged about 39 years, R/o
Balbhadra Ward, Bhatapara, District Baloda Bazar - Bhatapara,
Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Bhatapara City, District
Baloda Bazar – Bhatapara, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.853 of 2019

Jagpreet Singh Saluja, S/o Pratap Singh, aged about 44 years, R/o Hatri Bazar, Bhatapara, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Bhatapara City, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.1622 of 2019

Raja Saluja, S/o Late Pratap Singh Saluja, aged about 34 years, R/o Balbhadra Ward, Bhatapara, Police Station Bhatapara City, District Baloda Bazar -Bhatapara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Bhatapara City, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Respondent

and

M.Cr.C.(A) No.1627 of 2019

Raja Saluja, S/o Late Pratap Singh Saluja, aged about 34 years, R/o Balbhadra Ward, Bhatapara, District Baloda Bazar – Bhatapara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Bhatapara City, Chhattisgarh

---- Respondent

For Respective Applicants :	Shri Tarendra Kumar Jha and Shri Sunil Otواني, Advocates
For State/Respondent :	Ms. Hamida Siddiqui, Deputy Advocate General
For Objector :	Shri Sumesh Bajaj, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

CAV ORDER

1. All the bail applications relate to Crime No.285 of 2018 and Crime No.286 of 2018 both registered at Police Station Bhatapara City for offences punishable under Sections 420, 467, 468, 471, 120B, 34 of the Indian Penal Code and, therefore, they are decided together.
2. M.Cr.C. No.6768 of 2019 and M.Cr.C. No.6688 of 2019 both between Jagjeet Singh Saluja and State of Chhattisgarh are first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to Jagjeet Singh Saluja, who has been arrested on 14.9.2019 in connection with Crime No.285 of 2018 and Crime No.286 of 2018 both registered at Police Station Bhatapara City for offences punishable under Sections 420, 467, 468, 471, 120B, 34 of the Indian Penal Code.
3. M.Cr.C.(A) No.852 of 2019 (Satyajeet Singh v. State of Chhattisgarh), M.Cr.C.(A) No.853 of 2019 (Jagpreet Singh Saluja v. State of Chhattisgarh), M.Cr.C.(A) No.1622 of 2019 (Raja Saluja v. State of Chhattisgarh) and M.Cr.C.(A) No.1627 of 2019 (Raja Saluja v. State of Chhattisgarh) have been preferred by Applicants Satyajeet Singh, Jagpreet Singh Saluja and Raja Saluja, respectively apprehending their arrest in connection with respective Crime No.285 of 2018 (Satyajeet Singh v. State of Chhattisgarh), Crime No.286 of 2018 (Jagpreet Singh Saluja v. State of Chhattisgarh), Crime No.286 of 2018 (Raja Saluja v. State

of Chhattisgarh) and Crime No.285 of 2018 (Raja Saluja v. State of Chhattisgarh) registered at Police Station Bhatapara City for offences punishable under Sections 420, 467, 468, 471, 120B, 34 of the Indian Penal Code.

4. Facts of the case, in brief, are that the lands in dispute situated at Villages Avrethi, Kholwa and Farhada belonged to Complainant Ramrajji Bai. She executed a power of attorney in favour of her real brother Pratap Saluja, who was residing at Bhatapara. She also handed over him some blank stamp papers and blank plain papers all signed by her. In his lifetime, Pratap Saluja never misused any of those papers. All the present Applicants are sons of Pratap Saluja. After death of Pratap Saluja, Complainant Ramrajji Bai executed a power of attorney in favour of Satyajeet Singh, one of the present Applicants. According to Complainant Ramrajji Bai, she cancelled the power of attorney executed by her in favour of Applicant Satyajeet Singh vide deed dated 8.5.2007. Despite that, allegedly, vide sale-deed dated 8.6.2007, Applicant Jagjeet Singh Saluja sold the land situated at Village Kholwa to his brother Applicant Raja Saluja and vide sale-deed dated 12.6.2007 sold another land situated at Village Avrethi to Applicant Raja Saluja. In both the sale-deeds, Applicant Jagjeet Singh Saluja was mentioned to be a power of attorney holder of those lands executed in his favour by Complainant Ramrajji Bai on 5.8.1994. It was also mentioned that the said power of attorney was in force. On 12.10.2018 and 13.10.2018, two separate written complaints were submitted by Complainant Ramrajji Bai in Police Station Bhatapara City regarding sale of the aforesaid two lands situated at Villages Kholwa and Avrethi. On the basis of the said

complaints, two separate crime numbers, being Crime No.285 of 2018 and Crime No.286 of 2018 were registered for offences punishable under Sections 420, 467, 468, 471, 120B, 34 of the Indian Penal Code against all the present Applicants. During the course of investigation, Applicant Jagjeet Singh Saluja was arrested on 14.9.2019 in connection with both the crimes. Since then he is in custody. The remaining Applicants have moved the above mentioned anticipatory bail applications apprehending their arrest.

5. Learned Counsel appearing for the respective Applicants submit that the Applicants are innocent and have been falsely implicated due to family dispute with the Complainant. It is further submitted that after execution of the sale-deeds dated 8.6.2007 and 12.6.2007, the Complainant made a report in Police Station Suhela on 12.8.2008 alleging that the lands in dispute were sold vide a forged power of attorney mutually prepared by the present Applicants. At that time, the Complainant was not paid any amount out of the sale consideration received against those lands. On the basis of the report, offences punishable under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code is already registered by Police Station Suhela against all the present Applicants. Thereafter, all the present Applicants preferred an application for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure before the Court of Session. Vide order dated 15.1.2009, the said anticipatory bail application was allowed by the Additional Sessions Judge, Bhatapara. Thereafter, Police Station Suhela filed a closure report of the crime registered with it before the Trial Court, which is still pending. Concealing

these facts, Complainant Ramrajji Bai has again lodged the present written complaints at Police Station Bhatapara City after 11 years which is improper and the police, misusing their power, has registered the case against the present Applicants. It is further submitted that the Applicants have already been granted anticipatory bail in connection with the same offence alleged to be committed in respect of the same land. Nature of the dispute is civil. No criminal case is made out. Applicant Satyajeet Singh is a practising Advocate and other Applicants are reputed persons of their town. Applicant Jagjeet Singh Saluja is in custody since 14.9.2019. Charge-sheet has not yet been filed in connection with the case of Jagjeet Singh Saluja. Therefore, trial is likely to take much more time. Therefore, he may be admitted to benefit of regular bail. As regards the other Applicants, their custodial interrogation is not required. They have already been admitted to anticipatory bail by the Court of Session. Considering all the facts, they may also be extended the benefit of anticipatory bail.

6. Learned Counsel appearing for the State/Respondent and Learned Counsel appearing for the Objector oppose the bail applications. It is submitted by them that there is sufficient material available on the basis of which it is clear that the power of attorney dated 5.8.1994 is forged. In the year 1994, the State of Chhattisgarh was not in existence, but in the said power of attorney, with the name of witness Ramesh Lahre, his place is mentioned as State of Chhattisgarh. From the report of handwriting expert also, *prima facie*, the said power of attorney appears to be forged. From the statements of Notary/Advocate Bhupendra Pratap Singh and witness Ramesh Lahre, it is clear

that the said power of attorney is forged. On the basis of the said forged power of attorney, Applicant Jagjeet Singh Saluja sold the aforesaid lands in dispute to his brother Applicant Raja Saluja and at the time of execution of the sale-deeds, Applicant Raja Saluja was aged about 18 years only and was a student. Therefore, it does not appear to be natural that he would financially be in a position to purchase those lands. Hence, it is established that all the present Applicants are involved in the crimes in question. It is further submitted that facts of the FIR dated 12.8.2008 registered at Police Station Suhela are different from the facts of the present FIRs (Crime No.285 of 2018 and Crime No.286 of 2018) registered at Police Station Bhatapara City. Therefore, the Applicants are not entitled to be admitted to benefit of regular or anticipatory bail.

7. I have heard Learned Counsel appearing for the parties and perused the case diaries and the other documents available minutely.
8. It reveals that the sale-deeds dated 8.6.2007 and 12.6.2007 were executed on the basis of the power of attorney dated 5.8.1994. Thereafter, the first FIR was lodged in Police Station Suhela on 12.8.2008. In the said FIR, both the sale-deeds dated 8.6.2007 and 12.6.2007 were claimed to be forged. Thus, it is clear that at the time of lodging of the first FIR dated 12.8.2008, both the aforesaid sale-deeds, in which the power of attorney dated 5.8.1994 was referred to, were in the knowledge of Complainant Ramrajji Bai. Thus, *prima facie*, it appears that the power of attorney dated 5.8.1994 was a part of the investigation done by

Police Station Suhela against the first FIR lodged on 12.8.2008 and Police Station Suhela has also investigated into the genuineness of the said power of attorney dated 5.8.1994 and furthermore, after the investigation, they had submitted a closure report before the Trial Court, which is still pending. 11 years thereafter, concealing these facts, the present two FIRs (Crime No.285 of 2018 and Crime No.286 of 2018) have been lodged by the Complainant. Since the matter had already been investigated into by Police Station Suhela in Crime No.23 of 2008, Police Station Suhela was not barred to collect further evidence in the offences in question. Considering the above aspect of the matter and further considering the fact that earlier all the Applicants have already been admitted to benefit of anticipatory bail by the Court of Session, I deem it proper to grant regular bail to Applicant Jagjeet Singh Saluja and grant anticipatory bail to Applicants Satyajeet Singh, Jagpreet Singh Saluja and Raja Saluja.

9. Accordingly, all the bail applications are allowed.
10. It is directed that Applicant Jagjeet Singh Saluja shall be released on bail on his furnishing a personal bond in the sum of Rupees Fifty Thousand with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed. Separate personal bonds and separate solvent sureties shall be furnished by Applicant Jagjeet Singh Saluja in connection with his two regular bail applications M.Cr.C. No.6768 of 2019 and M.Cr.C. No.6688 of 2019.

11. It is further directed that in the event of arrest of Applicants Satyajeet Singh, Jagpreet Singh Saluja and Raja Saluja in connection with the aforesaid crimes, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rupees Fifty Thousand with one solvent surety for the like amount to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. Separate personal bonds and separate solvent sureties shall be furnished by Applicant Raja Saluja in connection with his two anticipatory bail applications M.Cr.C.(A) No.1622 of 2019 and M.Cr.C.(A) No.1627 of 2019. All of them 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 them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
JUDGE