

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5304-2019 (O&M)
Date of Decision:-10.5.2019

Harender @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ekakshra Mahajan, Advocate for
Mr. Amit Jhanji, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.313 dated 04.06.2018 under Sections 420, 506, 467, 468, 471 of Indian Penal Code, 1860, Police Station City Bahadurgarh, District Jhajjar.
2. The FIR was registered at the instance of Sukhbir Singh wherein it has been alleged that he had purchased half share out of plot measuring 800 square yards situated within Municipal Limits of Bahadurgarh District Jhajjar from accused Sahab Singh who was General Power of Attorney of original owner Ajit Singh. It is alleged that before the sale deed had been executed, Sanjay, Vijay and Harender @ Sonu approached the complainant and represented that they know the seller who is in touch with them and that only they can get the deal materialized and they would charge a sum of ₹3 lakhs for the deal. It is alleged that the complainant

agreed to the proposal and a sale deed was consequently executed on 03.11.2011 through General Power of Attorney, Sahab Singh and wherein Vijay appeared on behalf of wife of the complainant. It is further alleged that an amount of ₹3 lakhs was paid to Vijay, Sanjay and Harender @ Sonu. It is further alleged that subsequently when the petitioner decided to raise construction upon the plot in question in March, 2018 then he came to know that in fact the property in question already stood acquired and that the owner i.e. Ajit Singh has also received compensation in respect of same much before execution of the sale deed.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case it is Ajit Singh and his General Power of Attorney, Sahab Singh who are beneficiaries and that the FIR having been lodged 7 years after the alleged sale deed is nothing but abuse of process of law.
4. On the other hand, learned State counsel assisted by learned counsel for the complainant have submitted that the complicity of the petitioner is evident from the fact that he along with 2 others namely Vijay and Sanjay had received an amount of ₹3 lakhs for being mediators.
5. Having considered rival contentions addressed before this Court and bearing in mind the fact that it is the owner i.e. Ajit Singh and his General Power of Attorney i.e. Sahab Singh, who can be said to be main beneficiaries of the sale consideration which is stated to be ₹40 lakhs and also that the present FIR was lodged after about 7 years of execution of the sale deed and the entire case is based mainly on documentary evidence, in my opinion, it is a fit case for grant of anticipatory bail. The

petition as such, is accepted and the interim directions issued by this Court vide order dated 4.2.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C..

6. The petition is accepted in the above mentioned terms.
7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

10.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No