

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

CRM-M-54700-2018

Date of decision:08.01.2019

Sanjay

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Yadwender Saini, Advocate
for the petitioner.

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

Mr. Madan Sandhu, Advocae
for the complainant.

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 Sonu @ Harender 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 Sonu @ Harender 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. In the event of arrest of the petitioner, he shall 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 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.

08.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No