

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

CRM-M No.16905 of 2020 (O&M)

Date of decision: 9th July, 2020

Narender Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Parminder S. Rai, Advocate for the petitioner.
Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.
Mr. Anil K. Rana, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video conferencing on account of outbreak of pandemic COVID-19.

Petitioner Narender Kumar has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.617 dated 14.07.2017 under Sections 420/467/468/471/120-B IPC pertaining to Police Station Ballabgarh City, District Faridabad got registered on the complaint of one Kapil Jindal. In his complaint, the complainant alleges the accused petitioner Narender Kumar is an employee of Housing Board Faridabad, from whom the complainant purchased a dwelling unit through sale deed No.9333 dated 24.11.2015 in the name of nominee of the complainant Suryanarayan Mehto through

Ram Chandra Shah. At the time of delivery of possession, it was revealed that the accused had already sold off the said dwelling unit and he is not the owner of the same. On further enquiry, it was revealed that the accused had prepared and forged property papers of the dwelling unit and after getting prepared a forged general power of attorney had defrauded the complainant of his valuable money.

Learned counsel for the petitioner Mr. Parminder Singh Rai, Advocate inter alia contends that recovery of the documents has already been made and that the accused has been falsely implicated being an employee of the Housing Board and was only an acquaintance of the main accused and has no specific role to play in commission of the crime submitting further that a civil suit is pending between the parties and that petitioner's joining the investigations would suffice purpose.

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana assisted by Mr. Anil Kumar Rana, Advocate representing the complainant though has not displaced the facts but has strongly opposed the bail on the grounds of having deceitfully forged and prepared power of attorney of the owner and on that pretext of selling the dwelling unit and thereby managing to dupe the complainant for a sum of ₹10.50 lacs and therefore was not entitled to any relief.

Going through the submissions, it is much in evidence that the general power of attorney on the basis of which this alienation has come about, is forged and fabricated through impersonation of the

original owner. The petitioner had duped an innocent person by his deceit and connivance with his co-accused. Such like property frauds have attained notoriety which needs to be curbed. In view of the heinousness of offence, no cause for grant of bail is made out. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 9, 2020
rps

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