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

**CRM-M No.17941 of 2020
Date of Decision: 10.08.2020**

Sambhav Sethi and others

.....Petitioners

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Deepak Goyal, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl., AG, Punjab.

Mr. Parvesh Sachdeva, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioners seek grant of anticipatory bail in case bearing FIR No.96 dated 07.04.2020 registered under Sections 420, 465, 466, 467, 468, 471, 120-B IPC at Police Station City Fazilka, District Fazilka.

On 09.07.2020, following order was passed:-

"The case has been taken up for hearing

through video-conferencing.

Learned counsel for the petitioners states that original affidavit dated 26.02.2019 has been submitted to the Investigating Officer. In the FIR, complainant has alleged that his signatures on the affidavit are either forged or scanned and fake witness namely Balvir Singh has been introduced and signatures have been obtained.

Learned counsel for the complainant states that after lodging of the FIR, statement of the complainant has been recorded by the Investigating Officer wherein the complainant has admitted his signatures appearing on the affidavit, but those signatures have been mis-used while preparing the affidavit dated 26.02.2019. In the FIR, the prosecution has alleged that the accused persons have prepared fake affidavit of the complainant in which agreement to sell in respect of land of department of surplus of Government of Punjab in village Karni Kheri measuring 184 Kanals 10 Marlas in favour of Madan Lal Sethi, Sambhav Sethi, Nitin Sethi and Ramesh Kumar after writing an amount of Rs.76,80,000/- allegedly received by the complainant was shown.

Madan Lal Sethi filed CRM-M No.14986 of 2020 in which interim bail has been granted and now the said case is fixed for 10.08.2020. Co-accused namely Chander Mohan and Varinder Mohan also filed CRM-M No.13122 of 2020 for grant of anticipatory bail and the same has been finally allowed vide order dated 28.05.2020 by the High Court.

In the light of aforesaid facts, it would be

appropriate to see the stand taken by the complainant in his statement made before the Investigating Officer in the context of genuineness of the signatures appearing on the affidavit.

Let the statement of the complainant be brought on record by the adjourned date.

Adjourned to 10.08.2020.

Till such time, arrest of the petitioners shall remain stayed.”

Learned counsel for the complainant opposed the bail on the ground of recital made in different affidavits. Co-accused Chander Mohan and Varinder Mohan filed CRM-M No.13122 of 2020 for grant of anticipatory bail. The said petition was allowed by the High Court vide order dated 28.05.2020. Complainant alleges that the accused persons had entered into an agreement to sell in respect of immovable property and took an amount of Rs.20,00,000/-. The target date for registration of sale deed was fixed on or before 15.05.2019. The target date was subsequently extended to 30.11.2019. A dispute arose, which ultimately led to registration of the present case.

Learned counsel for the petitioners submits that earlier FIR No.123 dated 21.08.2019 was registered under Sections 420, 120-B IPC against the present complainant. Thereafter, the present FIR came to be registered. The dispute arising out of agreement to sell through fabrication and deceit, falls under the

domain of civil profile.

Learned counsel for the complainant however opposed the same on the ground that petitioners were instrumental along with others in managing and fabricating the affidavit of the complainant. The statement of the complainant has been recorded by the Investigating Officer, wherein the complainant has admitted his signatures appearing on the affidavit. Those signatures have been misused while preparing the affidavit dated 26.02.2019. Madan Lal Sethi has also filed CRM-M No.14986 of 2020, in which interim bail has been confirmed vide order of even date. The allegation that the accused persons have prepared the fake affidavit of the complainant, thereby, agreed to sell the land belonging to the Government of Punjab after writing an amount of Rs.76,80,000/-, would form subject matter of investigation for which petitioners shall join the investigation. Non-cooperation on behalf of the petitioners would lead to cancellation of anticipatory bail at the instance of the State or the complainant.

In view of facts and circumstances of the case, petitioners are directed to appear before the Investigating Officer on 14.08.2020 at 11:00 AM and in the event of their appearance, they shall be released on anticipatory bail on their furnishing adequate bail bonds and surety bonds to the

satisfaction of the SHO/Arresting Officer and shall abide by the following conditions as envisaged under Section 438(2) Cr.PC:-

(i) that the petitioners shall make themselves available for interrogation by the police as and when required;

(ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave India without the prior permission of the Court.

It is made clear that non-cooperation by the petitioners during investigation would entail in rejection of anticipatory bail in accordance with law.

Disposed of.

10.08.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No