

203

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

CRM-M-27815 of 2020

Date of Decision: 24.09.2020

Vijay Sehgal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Raj Mohan Singh

Present : Mr. Aman Pal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Yashveer Kharab, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail in case bearing FIR No. 701 dated 24.08.2020 registered under Sections 120-B, 419, 420, 465, 467, 468, 471, 472, 473, 474 of Indian Penal Code, 1860 registered at Police Station City Panipat, District Panipat.

Allegations are that vide transfer deed No. 14022/1 dated 17.03.2020, father of the petitioner transferred the property in favour of the petitioner by claiming title over the same on the strength of sale deed No. 1162/1 dated 22.05.1982. An inquiry was conducted and it was found that Daulat Ram i.e. father of the petitioner got registered the aforesaid

transfer deed in favour of the petitioner in respect of shop No. 145 measuring 25 square yard situated in ward No. 12 within Municipal Limits, Panipat. Sale deed No. 1162/1 dated 22.05.1982 shows that Daulat Ram son of Karam Chand was the purchaser of the property and not the father of the petitioner. According to record, Nebh Raj purchased the property in question from Daulat Ram son of Karam Chand and Bhagwan Dass vide registered sale deed No. 1281/1 dated 10.07.1975, Nebh Raj further sold the same to Chaman Lal son of Bahadur Chand vide registered sale deed No. 1162/1 dated 22.05.1982.

Learned counsel for the petitioner submits that at the time of execution sale deed dated 22.05.1982 the petitioner was not even in existence as his date of birth is 14.03.1987. The property in question is still lying defunct and the same is not in the possession of the petitioner or his father in any manner. The allegations relating to documents and the petitioner does not wish to claim any title over the property in future as well and the petitioner is ready to make any statement before any authority or Court in the event of granting indulgence by this Court.

Reply filed by the State suggests that the property in question is owned by Municipal Corporation as the same falls within the limits of Municipal Corporation. Though the petitioner is beneficiary of sale deed dated 17.03.2020 but the same has been executed by his father on the basis of his alleged title arising out of sale deed dated 22.05.1982. In inquiry, the petitioner has been joined and his statement was also recorded on 08.08.2020 wherein, he has pleaded that Sunil has taken documents from them and took the signature of the petitioner and his

father. He was never produced before the Tehsildar nor was informed in respect of transfer deed of plot in question. He has denied the execution of any wrong sale deed of commission of any crime. He pleaded ignorance about the whereabouts of the property as the same is not in his possession. Learned State counsel duly assisted by Mr. Yashveer Kharab, Advocate for the complainant, however opposed the prayer on the ground that the petitioner is beneficiary of the sale deed and he had all the knowledge about forged title of his father. The allegations are based on documentary evidence.

The petitioner has joined the inquiry proceedings before the police before lodging an FIR dated 08.08.2020.

In these circumstances, it would be appropriate to direct the petitioner to appear before the Investigating Officer/SHO on 29.09.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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 facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

(RAJ MOHAN SINGH)
JUDGE

24.09.2020
Parveen Sharma

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