

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

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IN VIRTUAL COURT

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**CRM-M No. 31691 of 2020
Date of decision : 8.10.2020**

Rajender

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. J.S. Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 242 dated 13.8.2020, under Sections 120B, 420, 467, 468, 471 IPC, registered at Police Station Civil Lines, Bhiwani.

It is contended by the counsel for the petitioner that the case against the petitioner is totally baseless. The complainant has raised the dispute regarding the business concern existing at Plot No.50, whereas, the petitioner does not have any concern either with the Plot No.50 or the business being conducted thereon. Instead, the petitioner is having a separate business premises at Plot No.49. The FIR, in fact, is an outburst of the complainant because of the civil litigations, which have been initiated by the petitioner. It is submitted by the counsel that the father of the parties had created a Trust for the benefit of the minor children of the deceased brother of the petitioner and the complainant. However, the complainant tried to usurp that property given

in Trust for the benefit of the minors. The petitioner filed a civil suit against the complainant; as the care taker of the minor children of his deceased brother; and in that suit interim injunction has been granted by the trial Court. Hence, the complainant has got infuriated and the name of the petitioner has been dragged in the case.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

The counsel for the State, being instructed by ASI Hitender, submits that the name of the petitioner is specifically mentioned in the FIR. As per the allegations, another brother of the petitioner and the complainant and his wife have created a fake lease deed, purportedly executed by the father of the parties in 2013, whereas, the father of the parties already stood expired way back in the year 1997. On the basis of this lease deed, sister-in-law of the petitioner and the complainant obtained a GST No./License and the petitioner stood guarantor during the process of obtaining of that licence. Hence, the petitioner is involved in the fraud. Still further, it is submitted that the investigation is at the initial stage and the police require to recover the documents/material pertaining to execution of the fake lease deed. Hence, the petitioner does not deserve the concession of anticipatory bail.

As response to this argument of the counsel for the State, learned counsel for the petitioner has submitted that even if the petitioner stood guarantor in obtaining GST No./Licence by sister-in-law of the parties on the basis of the said lease deed, still this action on the part of the petitioner was an

act subsequent to the alleged fabrication to the lease deed. For this reason only the petitioner cannot be connected with the crime of fabrication of the lease deed, if any. Still further, it is submitted that the execution of the lease deed is a matter of documents with which the petitioner is not concerned either as a party or as a witness.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

8.10.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No