

Sr.No.101

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

**CRM-M-32987 of 2020
Date of decision:16.10.2020**

Desh Raj

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

**Present: Mr. Gulshan Nandwani, Advocate
for the petitioner.**

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C with a prayer for grant of anticipatory bail to the petitioner in FIR No.0242 dated 16.08.2019, registered under Sections 120-B, 342, 365, 406 and 420 IPC at Police Station Kasola, District Rewari(Haryana).

Learned counsel for the petitioner has submitted that the petitioner was wrongly roped up in the present case because he was not beneficiary of the sale deed and was only a witness to the sale deed, therefore, has prayed for consideration of grant of anticipatory bail to the petitioner.

Present FIR was lodged on the basis of complaint made by Basanti widow of Babu Lal by making allegation that his son namely, Rakesh who is of a feeble mind was enticed and abducted by the accused persons who by fraud and conspiracy got registered a sale deed from him at Tehsil Bawal. As per the allegations, the aforesaid Rakesh was having 4

kanals of land and after his abduction, the accused person got a sale deed executed in favour of one of the accused namely, Birender Singh and because of the feeble mind of Rakesh, who was stated to be 19 years of age, it was alleged that fraud has been committed. The complainant being a widow whose husband had died long time ago, lodged the present FIR on discovering the alleged fraudulent action committed by the accused.

The argument raised by learned counsel for the petitioner, that petitioner was not the beneficiary of the sale deed but only a witness to the sale deed, would not carry any weight. The petitioner was chowkidar/watchman of the village and he had witnessed the sale deed. The chowkidar/watchman of the village is supposed to know and identify the residents of the village. Therefore, no presumption can be drawn that he was innocent. Learned counsel for the petitioner has also relied upon Annexure P-3 which is a statement of aforesaid Rakesh son of Bubu Lal wherein he has stated that he has received the amount of Rs.15 lakh in his account.

The aforesaid argument of learned counsel for the petitioner would also not carry any weight in view of the fact that the said amount was immediately withdrawn by the other co-accused. It would also be important to mention here that the other co-accused, namely, Satya Narayan and Basant had also filed petition for anticipatory bail in this Court which was dismissed on merits vide order dated 19.02.2020. The issue with regard to the statement furnished by aforesaid Rakesh was also considered in that judgment.

In view of the above, considering the totality and circumstances of the present case, this Court does not find it to be a fit case for interfering

under Section 438 Cr,P.C., therefore, present petition is hereby dismissed.
However, nothing stated hereinabove, shall be construed to be an
expression on the merits of the case.

16th October, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
Whether Reportable	Yes/No