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

CRM-M-33811-2020
Date of Decision: 14.12.2020

PANKAJ ROHILLA

….Petitioner

Versus

STATE OF HARYANA

…Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Kushagra Mahajan, Advocate with
Mr.Sanjay Verma, Advocate for the petitioner
Mr.Kuldeep Tewari, Additional AG Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.310 dated 18.08.2019 registered under Sections 420, 419, 467, 468, 471, 511, 120-B IPC at Police Station Sushant Lok, District Gurugram.

Anubha Sandhu, a NRI, filed a complaint with the police that on visiting India she found out that her plot bearing No.984 in C Block Sushant Lok, Gurugram was being attempted to be sold in the market by the petitioner and his co-accused on the basis of forged documents. Another complaint was made by her when she came to know that one Rohit Bakshi had applied for a loan for an amount of Rs.2.50 crore from Tata Finance on the basis of forged documents pertaining to her aforesaid property.

Based on the above complaints the FIR in question was registered and Rajinder @ Raju was arrested whose interrogation revealed that the petitioner had procured allotment details/ documents pertaining the complainant's plot from Ansal properties and thereafter on the strength of the complainant's forged Aadhar Card Rajinder @ Raju, along with his co-accused, which included the petitioner, were attempting to sell the plot in the open market.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the only evidence against the petitioner is the disclosure statement of a co-accused which has no evidentiary value; the petitioner is not the beneficiary of the alleged crime; as on date the petitioner has not caused any wrongful loss to anybody including the complainant and that in two other similar cases in which the petitioner is involved he was denied anticipatory bail by this Court against which he has preferred a Special Leave Petition in which notice has been issued by the Supreme Court and interim orders have been passed directing the State not to take coercive steps against the petitioner.

Learned State counsel who appears on advance notice opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender who has three similar cases of fraud and forgery (including the present one) pending against him. Investigation conducted so far has revealed that the petitioner, along with his co-accused, procure property details/ documents of plot owners from builders/ colonizers. Then, after forging their Aadhar Cards and other identification documents they sell such properties in the open market and also use such forged documents to procure loans from finance companies. Learned State counsel further submits that the petitioner's custodial interrogation is also necessary to find out the petitioner's links with the developers/ colonizers/ finance companies and as to who all are aiding him to forge identity documents like Aadhar Cards etc. It is still further submitted that six of the co-accused are absconding and the petitioner in spite of issuance of notice by the investigating agency had failed to join investigation.

Investigations conducted so far have found the petitioner to be involved in three criminal cases of similar nature in which he along with his co-accused, is alleged to have procured documents from the developers/ colonizers pertaining to allotment of plots to NRIs/ allottees and then after forging other documents pertaining to the identity of the allottees like their Aadhar Cards etc. use such forged documents to procure loans from finance companies and/or sell the plots in the open market.

The petitioner is a habitual offender. It needs to be probed as to whether the petitioner is involved in more of such cases of fraud/ forgery. The contacts of the petitioner in the office(s) of the developers/ colonizers/ finance companies need to be deciphered. As to who else is aiding the petitioner and his co-accused in the forging of identity documents like Aadhar Cards etc. needs to be found out. The exact *modus-operandi* being adopted by the petitioner and his co-accused requires deeper probe. Out of seven accused so far six are yet to be arrested. Investigation is at the initial stage. The initial conduct of the petitioner is not credit worthy as it is not disputed that in spite of issuance of notice by the investigating agency he had failed to join investigation.

In view of the above reasons which are inclusive and not exhaustive custodial interrogation of the petitioner is considered necessary.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

14.12.2020 **(Deepak Sibal)**
gk **Judge**

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No