

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 13-01-2021Order delivered on 20-01-2021MCRCA No. 1380 of 2020

- Vipin Garg S/o Ved Prakash Garg Aged About 59 Years R/o Vinoba Nagar, P.S. Tarbahar, Bilaspur, Tah. And Distt.- Bilaspur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. P.S. Sarkanda, Dist.- Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	: - Mr. Ravindra Sharma, Advocate
For Respondent /State	: - Mr. Alok Nigam, G.A.
For Objectors	: - Mr. Sunil Kumar Soni & Ms. Gunjan Tiwari, Advocate.

Hon'ble Mr. Justice Prashant Kumar Mishra**CAV Order**

1. Heard.
2. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.870/2020, registered at Police Station Sarkanda, Dist.- Bilaspur C.G. for offence punishable under Sections 420, 467, 468, 471 and 34 of the I.P.C.
3. As per the First Information Report [FIR] lodged by Manikdas Manikpuri on 18-9-2020, his wife had purchased land bearing khasra No.1053/87, bearing plot No.279, area 2400 sq.ft. from one T.D. Sarjal by registered sale deed dated 18-11-2010 and

was possessed of the land. T.D. Sarjal had purchased the land from the society on 30-3-1994. They had adjoining land belonging to one P. Laxmi, wife of P. Ramu, which she had purchased from Pritam Singh Luthra on 19-5-2016 and the said Pritam Singh Luthra had, in turn, purchased the land from the society on 21-12-1990. The present office bearer of the society, applicant Vipin Garg along with Harvati Sharma & Manjulata Mishra hatched a conspiracy to execute the sale deed on 18-2-2011 by tampering 22 point (22 बिंदु) form, issued by the Patwari as a result of which the land belonging to the wife of the complainant has been shown to have been again sold. On obtaining fresh 22 point (22 बिंदु) form from the Halka Patwari it became clear that the 22 point form submitted by the applicant has been tampered at five places to change the location of the land and in this way the land of the wife of the complainant has been sold.

4. Learned counsel for the applicant would submit that there is dispute about the identity of the land, therefore, the present is a civil dispute. It is also submitted that the applicant has not committed any forgery or interpolation in any revenue document.
5. Learned counsel for the State and learned counsel for the objector, *per contra*, would oppose the bail application.
6. Learned counsel for the objector would submit that on bare perusal of the 22 point (22 बिंदु) form, which is a part of the sale deed executed by the applicant, in favour of Harwati Sharma, would reveal that the said form is tampered from the original 22 point (22 बिंदु) form, which the objector had obtained from the

concerned Revenue Office. 22 point (22 बिंदु) form used in the sale deed executed by the applicant carries interpolation/correction at five places which are not there in the original record. The intention of making such interpolation is to sale the land of the wife of the complainant. It is also argued that the applicant is habitual in committing such offence, inasmuch as, he has used tampered 22 point (22 बिंदु) form while executing the sale deed in favour of one Manjulata Mishra.

7. Having considered the rival submissions and on perusal of the documents available in the case diary as well as filed by the objector, it appears the 22 point (22 बिंदु) form used in the sale deed executed by the applicant in favour of Harwati Sharma carries interpolation/correction, which is not available in the original 22 point (22 बिंदु) form issued subsequently to the applicant, on the basis of the revenue records. If the same land belonging to the society has been sold to different individuals at different point of time, it is a serious matter.
8. Having seen the fact of cheating and defrauding lowly paid Government servants and other individuals and particularly considering the seriousness of the offence, I am not inclined to release the applicant on anticipatory bail.
9. Accordingly, the anticipatory bail application is rejected.

SD/-
(Prashant Kumar Mishra)
Judge

Gowri