

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through VC)**

CRM-M- 5966 of 2021 (O&M)
Date of Decision: 10.2.2021

Rao Imran Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner.

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 386 dated 7.10.2020, registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station Farakpur, District Yamuna Nagar.

2. Brief facts leading to the registration of the instant FIR at the behest of Rajni Kumari are that one Ranbir Singh wanted to usurp the property of the mother of the complainant. In the FIR, it has been alleged that the mother of the complainant Swaran Kaur was owner of a plot measuring 240 square yard situated at Sasoli Prahaladpuri, Yamuna Nagar and during her life time she executed a Will on 19.6.2017 in favour of the complainant and her two brothers, namely Kishan Lal and Chaanjit Singh. Her brother Charanjit Singh is a person of low IQ level and she looks after

him, whereas her another brother Kishan Lal resides at Ranchi, Jharkhand along with his family members and thus the complainant looks after his brother as well as old aged father. Initially, Ranbir Singh filed a civil suit against the mother of the complainant based on an agreement to sell regarding the plot in question. However, the said civil suit was dismissed by the Civil Judge (Junior Division), Jagadhri on 19.1.2019 on the ground that the said agreement to sell is a false document. Subsequently, an appeal filed by Ranbir Singh was dismissed for non-prosecution. The brother of the complainant came from Ranchi to have the property mutated in favour of the three legal heirs of Swaran Kaur. However, it was revealed that the said property already stood mutated in the name of Ranbir Singh based on a Will, which was forged. Subsequent to that, the instant FIR was got registered against Ranbir Singh and the present petitioner.

3. Learned counsel appearing on behalf of the petitioner would contend that the forgery, if any, has been committed by Ranbir Singh and that the petitioner is not a beneficiary of any such transaction. In fact, the property has been sold to one Leena on 8.8.2019 and the entire sale proceeds has been received by Ranbir Singh. It is argued that the petitioner is only an attesting witness to the said sale deed and the allegation, as set out that he is signatory to the Will is strongly denied.

4. At this stage, appearance has been caused by Mr. P.P. Chahar, Deputy Advocate General, Haryana, who is present through the medium of video conferencing and submits that the petitioner herein is very much party to the attempt of Ranbir Singh to defraud the complainant and her family

members of the property in question. In fact, the petitioner herein was also signatory to the agreement to sell allegedly executed by Swaran Kaur and the said agreement had been found to be a forged document by the trial court. So much so, even the appeal filed against the finding of the trial court stands dismissed. Learned counsel for the State would also submit that thereafter a Will was set up to which the petitioner was again a signatory as an attesting witness and therefore, he was very much aware of the said Will being a forged document since the civil suit itself based on the agreement to sell stood dismissed, the said agreement being a forged document. It is argued that the Investigating Officer had categorically stated that the petitioner had not been cooperating with the investigation as and when he had been summoned and therefore, the petitioner herein does not deserve the concession of anticipatory bail, as his custodial interrogation would be required.

5. I have heard learned counsel for the parties and have perused the paper book and find that no ground is made out for grant of anticipatory bail.

6. The petitioner herein was apparently a signatory to the agreement to sell as well as the Will on the basis of which the property has surreptitiously been transferred in the name of Ranbir Singh. It appears that the petitioner played an active role in transaction of the property in dispute. There appears to be complicity of the petitioner herein along with Ranbir Singh in defrauding the complainant and her family members of their property in question. The allegations made in the FIR are of serious nature,

which need thorough probe. Under these circumstances, once custodial interrogation of the petitioner is required, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed. However, it is made clear that any observations made herein above would have no effect on the merit of the case, as the same have been made only for the purpose of disposal of the instant petition.

10.2.2021
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No