

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

203

**CRM-M-5274-2020 (O&M)
Date of Decision: 29.09.2021**

Jai Prakash Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Gupta, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana
assisted by ASI Naresh Kumar.

Mr. Sushil Bhardwaj, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.728 dated 07.12.2019 at Police Station City Narnaul, District Mahendergarh, under Sections 420/465/467/468/471/506/120-B IPC.
2. The FIR was lodged at the instance of Ramesh Kumar, who is none else, but real brother of the petitioner. The complainant alleges that his father Sh. Ram Chander Saini had executed a transfer deed in his favour in the year 2017 i.e. transfer deed bearing No.6453 dated 22.12.2017 in the office of Sub Registrar, Narnaul in respect of property measuring 656 sq. yards and subsequently on the basis of the said transfer deed, mutation was also sanctioned vide Mutation

- No.15868 dated 07.08.2018. It is alleged that complainant's brother namely Jai Prakash Saini (petitioner) in connivance with Gajender Nambardar forged a transfer deed No.3001 dated 20.09.2018 purported to be executed by complainant's father in favour of the petitioner in respect of 326 sq. yards regarding which the complainant came to know after the death of his father.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the matter basically pertains to property of Ram Chander Saini, who was father of the complainant as well as the petitioner. It has been submitted that while the transfer deed in favour of the petitioner was executed on 20.09.2018 in respect of 326 sq. yards, which is an area much lesser than the transfer deed executed in favour of the complainant, the petitioner's father expired on 20.07.2019 i.e. after almost 10 months of the transfer deed in favour of the petitioner and that no objection whatsoever was ever raised during the said period. It has been submitted that subsequently mutation had also been sanctioned on the basis of the said transfer deed in favour of the petitioner on 10.10.2018 i.e. during the lifetime of petitioner's father. Learned counsel has further submitted that civil suits in respect of the said transfer deed are already pending and that the matter is being adjudicated. It has been submitted that subsequently in the year 2020 i.e. on 24.02.2020 the petitioner further sold the property in question i.e. land measuring 326 sq. yards to someone else regarding which also the complainant lodged an FIR, wherein the petitioner has already been granted anticipatory bail.

4. Opposing the petition, learned State counsel assisted by counsel for the complainant has submitted that since the petitioner has forged a transfer deed and has used the same and has also sold the property on the basis of the forged transfer deed, no case for grant of anticipatory bail is made out. It has further been submitted that in case the petitioner's father really wanted to transfer any land in his favour, he would have done the same at the time when the land was transferred in the favour of petitioner's brother in the year 2017 and that the very fact that petitioner's father did not transfer any land earlier goes to show that he did not ever intend to transfer the same and that apparently the transfer deed dated 20.09.2018 is a result of fraud and forgery. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the transfer deed dated 20.09.2018 was executed during the lifetime of petitioner's father and in fact even mutation was sanctioned during his lifetime. The said transfer deed has already been challenged in the civil courts. The case mainly depends upon documentary evidence. The petitioner, in any case, has joined investigation. In these circumstances, this Court is of the opinion that custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 06.02.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating

Officer and shall also abide by the conditions as provided under
Section 438 (2) Cr.P.C.

29.09.2021

(GURVINDER SINGH GILL)

VY

JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No