

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M No.8405 of 2020

Date of Decision: August 16, 2021

Mangat Ram

.....Petitioner

Vs

State of Haryan

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Aakash Dalal, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. R.K. Girdhwal, Advocate
for the complainant.

(Through Video Conferencing)

SUDIP AHLUWALIA J. (ORAL)

The present petition has been filed under Section 438 Cr.P. C. for grant of Anticipatory Bail to the petitioner in case FIR No.247 dated 24.06.2019, registered under Sections 120-B, 467, 468, 471 IPC 1860 at Police Station Jhajjar, District Jhajjar.

2. The petitioner is alleged to have filed a Civil Suit to defeat the claim of the complainant who is in possession of the disputed land which he acquired in by virtue of the sale agreement with its owner-Jagbir Singh in the year 1996, after the complainant being in its possession had obtained the decree of the specific performance and also won the appeal proceedings right up to the High Court in the year 2016. The agreement relied upon by the petitioner purporting to be of the

year 1996 was alleged to be a forged and fabricated one in the FIR.

3. Learned Counsel for the complainant from his side has drawn attention of the Court to the recorded conversation between the vendor-Jagbir Singh and the complainant's counsel-Mr. Rao Uday Bhan, which is Annexure P-11 in the connected CRM-M No.18995 of 2021 seeking the similar relief of anticipatory bail on behalf of the co-accused Naseeb Singh, which has been heard simultaneously with the present case.

4. In the aforesaid recorded conversation, the vendor-Jagbir Singh had apparently admitted that the petitioner alongwith co-accused Shamsheer and Naseeb Singh are the guilty persons in the matter.

5. Ld. State Counsel submits that although the petitioner has joined the investigation, but he is not co-operative and does not disclose from where he got custody of the disputed Agreement of 1996, of which in any case the Forensic Report is inconclusive.

6. The petitioner's inaction for a long period of 21 years in seeking specific performance of contract on the basis of such disputed and allegedly forged document, at a stage when the complainant had already got his relief for specific performance against the same land-owner all the way up to the High Court, would *per se* appear to be baffling and not expected of any reasonable and prudent man, notwithstanding an explanation to justify the delay simply because of his close relationship with his vendor.

7. At this stage, Ld. Counsel for the petitioner has relied upon decision of Hon'ble the Supreme Court of India in Civil Appeal No.1492 of 2006 titled as ***Gunwantbhai Mulchand Shah & Ors. Vs. Anton Elis Farel & Ors.*** to contend that a Civil Suit filed in similar circumstances 29 years after the original

agreement for sell could not be dismissed simply on the ground of limitation.

8. In the opinion of this Court, the ratio of decision in this citation would not apply to the present petition for bail which has been filed in what is in out and out criminal proceeding, and which cannot be fettered in any manner simply on account of the pendency of any parellel civil suit especially when there is a history of the original land-owner having once sworn an affidavit against the petitioner, and then retracted it by a fresh affidavit in his favour an year later. The entire facts and circumstances therefore, clearly indicate an element of a mysterious criminal conspiracy.

9. For the aforesaid reasons, this Court is of the opinion that the petitioner's custodial interrogation would be needed in the interest of fair and effective investigation on account of which his prayer for anticipatory bail is dismissed and the concession of interim bail granted to him earlier is withdrawn.

(SUDIP AHLUWALIA)
JUDGE

August 16, 2021
sonia arora

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No