

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-18435-2021

DATE OF DECISION: 03.06.2021

SAURABH GUPTA

... Petitioner(s)

Versus

STATE OF U.T. CHANDIGARH

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Anurag Chopra, Advocate for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor assisted by
Mr. Anupam Bansal, Asstt. Public Prosecutor
U.T., Chandigarh.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.63 dated 02.03.2021 (Annexure P-1), under Sections 452, 331, 344, 365, 386, 419, 420, 465, 467, 468, 471, 473, 474, 477 and 120-B IPC, registered at Police Station Sector 39, Chandigarh.

Learned senior counsel appearing for the petitioner contends that the petitioner is a *bona fide* purchaser and, therefore, he himself had invested a total sum of Rs.2.80 crores in buying the property and, therefore, he is entitled to the concession of anticipatory bail. He also contends that the petitioner himself had not only paid a huge amount for purchasing the property but had also incurred a lot of expenditure on the construction of the house. He himself had carried out due diligence and had checked the documents including aadhaar card and it could not be said that the petitioner had connived with the other accused. The NOC from the estate office has also been issued to the petitioner.

Learned Public Prosecutor, however, contends that the petitioner had connived with the other accused for purchasing the property by defrauding the owner although the alienation of the property had been stayed by this court. The petitioner in connivance with the other accused especially co-accused Arvind Singla had submitted an application for obtaining loan wherein co-accused Arvind Singla had stated that he is the owner to the extent of 50%. Co-accused Gurpreet Singh impersonated as Rahul Mehta who is the legal heir of the owner, before the estate officer and even while opening his account by adding his name in the bank account maintained by co-accused Khalendra Singh Kadyan in the Corporation Bank. The sale deed had been executed in favour of the petitioner wherein the co-accused Gurpreet Singh had impersonated as Rahul Mehta. He, thus, contends that the custodial interrogation of the petitioner is necessary.

Heard.

It is apparent that residential house No.340, Sector 37-A, Chandigarh, was allotted by the Chandigarh Administration to Smt. Santosh Mehta wife of Sh. Ved Parkash Mehta on leasehold basis pursuant to an auction. Smt. Santosh Mehta is stated to have expired on 03.10.1986 and her sister Smt. Sushila Kumari had sought transfer of the property on the basis of a Will. She had to initiate probate proceedings and in the meantime she expired. The matter was pursued by her legal heirs and FAO No.2210 of 1996 was preferred against the order declining probate. By order dated 29.10.1996, the alienation of the property was stayed and the FAO is pending adjudication before this Court. The property after the death of Santosh Mehta is stated to be in possession of her husband, namely, Ved Parkash Mehta. Ved Parkash Mehta is stated to have expired in 2017 and after his death, it is alleged that

the co-accused along with one Surjit Bouncer had forcibly taken possession of the house. Surjit Bouncer (he later expired) preferred a civil suit on 17.01.2017 for permanent injunction. On the very next day, i.e. 18.01.2017, it was decreed as Rahul Mehta had allegedly appeared and admitted the tenancy. He (Rahul Mehta) was restrained from forcibly dispossessing the plaintiff Surjit Bouncer from the suit property. Rahul Mehta, who is the son of the original owner Smt. Santosh Mehta is stated to be keeping indifferent physical and mental health and the accused are alleged to have taken advantage and had also kept him in a solitary confinement. He was allegedly administered intoxicating substances and kept in the state of delirium.

The GPA, which was alleged to have been executed by Rahul Mehta in favour of accused Khalendra Singh Kadyan was cancelled by his impersonation and the deed for the sale of the property was also executed by impersonation of Rahul Mehta by co-accused Gurpreet Singh. In the account of co-accused in the Corporation Bank, the name of Rahul Mehta was added through his impersonation by co-accused Gurpreet Singh. An account was opened by co-accused in the name of Rahul Mehta in Catholic Syrian Bank. The money deposited therein was withdrawn by co-accused Sanjiv Mahajan.

Therefore, the petitioner in connivance with the other accused is alleged to have fraudulently purchased the property. The sale deed had been executed in favour of the petitioner, wherein Rahul Mehta had been impersonated. It is also alleged that forged papers were prepared and submitted by the petitioner for sanction of loan from the Bank. A DDR was lodged that the original papers were missing and it is alleged that the purpose of recording DDR was to create false evidence regarding original papers to enable the petitioner to obtain loan.

In view of the aforementioned facts and circumstances, I do not deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

03.06.2021
SwarnjitS

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