IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202/2 **CRM-M-18511-2021**
DATE OF DECISION: 03.06.2021

ARVIND SINGLA **… Petitioner(s)**

Versus

U. T. OF CHANDIGARH
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Gautam Dutt, 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 for the petitioner contends that the petitioner is leading liquor contractor and, in *bona fide* manner he had invested money at the behest of a property dealer. The allegations of kidnapping, forgery and trespassing into the property do not pertain to the petitioner and, therefore, he would be entitled to the concession of anticipatory bail. He also contends that all the offences invoked in the instant FIR are punishable with imprisonment up to 7 years and only Section 467 IPC is punishable with the imprisonment for more than 7 years which is not attracted to the case of the petitioner. He also submits that the directions have been issued by the Supreme Court in view of the Covid-19 pandemic that the persons, who are accused of offences punishable up to 7 years, should not be arrested without following guidelines laid down in the judgment of the Supreme court in the case of <u>Arnesh Kumar Vs. State of Bihar,</u> (2014) 8 SCC, 273. This property was purchased by co-accused Khalendera Singh Kadyan on 06.04.2017 and, thereafter, he along with one Sanjiv Mahajan had contacted property dealer Ashok Arora who approached the petitioner to invest in the property, pursuant to which a valid GPA was executed by Rahul Mehta in favour of Khalendra Singh Kadyan and the petitioner to the extent of 67% and 33% respectively. He also received a cheque of Rs.33 lakh from Saurabh Gupta and Manish Gupta and had forgone all his claims on this property.

While relying upon the affidavit filed by ASP, South, Chandigarh, learned Public Prosecutor contends that after the death of his father, Rahul Mehta was the solely surviving legal heir. He further states that Rahul Mehta was keeping indifferent health and co-accused Sanjiv Mahajan and others had kept him in a solitary confinement and had administered intoxicating substances and kept him in the state of delirium. The petitioner had actively connived with the co-accused and an agreement to sell was entered between Rahul Mehta and co-accused Khalendra Singh Kadyan on 06.04.2017. Thereafter, the petitioner had entered into an agreement with Khalendra Singh Kadyan and had invested for purchase of 33% share while 67% share remained with Khalendra Singh Kadyan. The petitioner had transferred a sum of Rs.27 lakh in the account of Rahul Mahajan which had been suspiciously opened in Catholic Syrian Bank. The property in question was subject matter of FAO-2210 of 2019 wherein alienation had been stayed on 29.10.1996. The original owner of the property was Smt. Santosh Mehta, who is the mother of Rahul Mehta. He also contends that the petitioner was the mastermind and had manipulated the records of the estate office in connivance with the other accused. The original record is also missing, therefore, he contends that the custodial interrogation of the petitioner would be necessary. The petitioner himself has received an amount of Rs.1.28 crores which includes 33 lakh by bank transfer and 95 lakh in cash which has also been disclosed by co-accused Manish Gupta, who has also filed a complaint against the petitioner.

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 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 of his ill-health. They 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 Corporation Bank, the name of Rahul Mehta was added through his impersonation by co-accused Gurpreet Singh. An account was also opened by the co-accused in the name of Rahul Mehta in Catholic Syrian Bank. The money deposited therein was withdrawn by co-accused Sanjiv Mahajan. The petitioner along with other accused is alleged to have conspired to get the name of Rahul Mehta recorded in the estate office and as the property did not stand in the name of Rahul Mehta, they moved an application with documents which were allegedly forged and fabricated. As the petitioner in connivance with the other accused is alleged to have fabricated and forged valuable documents including Will, sale deed etc. and, therefore, aforenoted sections including Sections 467, 474 and 477 IPC have also been invoked and the sentence can be over 7 years.

The contention of the learned senior counsel that the petitioner is a leading liquor contractor of the region and had *bona fide* invested money at the behest of a property dealer cannot be accepted.

The petitioner may be a billionaire but the investment made by him in the property does not appear *bona fide* and is certainly not for nation building or generating employment. It is for personal aggrandisement, as there is no limit to human greed. He is alleged to be the mastermind and instrumental in preparation of fake and forged documents for transfer of the property whereby he had allegedly received a sum of over a crore.

In view of the aforenoted facts and circumstances, the custodial interrogation of the petitioner would be necessary. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

03.06.2021
SwarnjitS

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