IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32215-2021
Date of decision : 17.8.2021

Khatuni .... Petitioner (s)

Versus

State of Haryana .... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Afzal Hussain, Advocate for
Mr. Imtiyaz Hussain, Advocate
for petitioner (s).

Mr. Surender Singh, AAG Haryana.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 32, dated 5.3.2021 registered under Sections 419, 420, 467, 468, 471, 120 B IPC at Police Station City Tauru, District Nuh.

FIR was registered on the complaint of one Sakir Hussain who stated that he looks after the sale and purchase of properties of Mukesh Aggarwal and also acts as a caretaker of his properties. In January, 2021, accused Muneer alongwith his son Mustakim and son in law Khushal approached the complainant. They stated that they had 17 kanals 6 marlas of land adjoining the land of complainant which was open for sale. It was agreed between complainant and said accused that complainant would purchase the property and sale deed was to be executed on 1.2.2021. Complainant was later informed by said accused that Muneer had executed GPA regarding this property in favour of his wife Hasina and sale deed would be got registered by Hasina as GPA of Muneer. On the stipulated date i.e. 1.2.2021, accused handed over original GPA to complainant. A draft sale deed was also handed over which was thumb marked by Hasina in her capacity as seller while Khushal appended his signatures as an attesting witness. Relying on accused, complainant got sale deed executed and handed over a cheque dated 27.1.2021 for Rs. 4330750/- of Axis Bank in the name of Muneer Khan.

After 3-4 days, Mustakim and Khushal again approached complainant and asked him to reissue the cheque in the name of Muneer instead of Muneer Khan. Complainant accordingly got prepared a fresh cheque on 16.2.2021 of same amount and handed it over to accused. The amount was transferred in the bank account of Muneer. The complainant later on came to know that sale deed was executed by accused through Khatuni (petitioner) who is wife of one Ash Mohd. It is alleged that petitioner had impersonated as Hasina before Sub Registrar. Thereby, complainant has been defrauded by an amount of Rs. 4330750/- which had been transferred in the name of one Muneer who was not owner of property. Petitioner impersonated as Hasina, original GPA holder of Muneer who actually owns the property.

Learned counsel for petitioner has contended that petitioner is 58 year old. She is illiterate. She had signed on blank papers on the asking of co accused in good faith. She did not know that her signatures would be used to execute the fake sale deed.

It is not possible to accept the plea of innocence of petitioner. The petitioner not only appended her signatures on the sale deed but she herself appeared before Sub Registrar and impersonated as Hasina. Petitioner is stated to owner of 10 acres of land. It is not possible that a person owning so much property would append his/her signatures on the asking of third person without verifying the contents of document.

In view thereof, no ground is made out for grant of anticipatory bail to petitioner.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

17.8.2021
sjks

Whether reasoned order : Yes / No
Whether reportable : Yes / No