

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

CRM-M-32723 of 2021

Date of Decision: 13.08.2021

Sanjeev Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Prayer is for grant of anticipatory bail in case FIR No.169 dated 21.05.2017 under Sections 406,420,467,468,471,506,120-B IPC registered at Police Station Sadar Jind, District Jind.

FIR was registered on the statement of one Sushila, who stated that she owned a plot measuring 746 sq. yds situated within the revenue estate of village Haibetpur, Tehsil and District Jind. Jitender and Hitender sons of Joginder Singh are nephews of the complainant. They expressed a desire to purchase the said plot. An oral agreement to sell was entered into between the parties for sale of 510 sq. yds for a total sale consideration of Rs.22,95,000/-. She was assured by Jitender and Hitender that the sale consideration would be paid to her at the time of registration of sale deed. It was agreed that the sale deed would be executed in favour of Suman and Jyoti, wives of Jitender and Hatinder respectively. Complainant was called to the tehsil office, Jind on 29.03.2017 for getting sale deed registered. Jitender told the complainant that he had already purchased stamp papers and the sale deed would be got drafted from the Deed Writer. On the asking of Jitender, complainant got herself photographed before the Computer.

Photographs of Suman and Jyoti were also taken for the purpose of sale deed. When the complainant asked Jitender to pay the sale consideration, she was told that the sale consideration would be given to her at her home. Complainant became suspicious and refused to sign the sale deed. She immediately informed the Registrar as also the Registry Clerk Jaipal and asked them not to proceed with the registration of sale deed. It is stated that no land was sold by complainant to Suman and Jyoti nor had she received any amount from them. It is further alleged that her signatures on the sale deed had been forged. On 19.07.2017, Jitender and Hitender came to the plot of the complainant and tried to take forcible possession besides damaging the wall. They claimed that the plot had been sold in favour of Suman and Jyoti. Complainant then got certified copy of sale deed dated 29.03.2017 and found that her signatures appearing on Release Deed dated 28.02.2017 were scanned and affixed on the forged sale deed. Alleging that the accused had conspired to get forged sale deed prepared and grab the plot of the complainant, case was got lodged.

Learned counsel for the petitioner contends that even as per allegations in the FIR, the complainant had informed Jaipal, Registry Clerk as also the Registrar that she did not wish to proceed with the registration of the sale deed but despite it, forged sale deed was registered by them in connivance with Jitender and Hitender. He submits that certified copy of sale deed has not been signed by the petitioner but has been signed by one Jaipal, Registry Clerk. He contends that the allegations that the complainant had not received any amount are baseless inasmuch as approximately a sum of Rs.10 lacs has been transferred into the account of the complainant by husbands of the vendees. He contends that Jitender and Hitender have

already filed a petition seeking quashing of the FIR in which notice of motion has been issued and the same is pending adjudication before this Court. There is no allegation that the petitioner has benefited in the entire transaction. He further contends that the case is based on documentary evidence and nothing is to be recovered from the petitioner.

Notice of motion.

Sh. Surender Singh, AAG, Haryana accepts notice on behalf of respondent-State of Haryana while Sh. Munish Kumar Garg, Advocate puts in appearance for the complainant.

Learned State counsel submits that the petitioner is actively involved in preparation of forged sale deed. He has also been specifically named in the disclosure statement of Anand Kumar, Sub Registrar as having been actively involved in forging the sale deed. At the time of forging the sale deed, the petitioner was posted as Registry Clerk. He submits that the sale deed could not have been forged without active connivance of the petitioner. The petitioner got DDR registered claiming that the original sale deed had been lost and he got affixed signatures of the complainant on the sale deed by scanning her signatures from the release deed vide which the plot had been released in her favour.

A perusal of disclosure statement of co-accused Anand Kumar reveals that the petitioner in connivance with the buyers Suman Devi and Jyoti got signature of the complainant-seller scanned from sale deed dated 28.02.2017 and forged the sale deed. It has further come on record that the certified copy of sale deed in question was prepared after getting DDR lodged regarding missing of the sale deed. It is further apparent that despite the complainant having informed Jaipal, Registry Clerk as also the

Registrar not to proceed with the registration of the sale deed, forged sale deed was registered by them in connivance with each other and the petitioner.

A registered sale deed is a document of title. The petitioner is a public servant entrusted with an important role in the scrutiny and registration of sale deeds. His complicity and role in preparation of the forged sale deed amounts to a very serious offence.

No ground is made out for grant of anticipatory bail to the petitioner.

Dismissed.

August 13, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No