

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

**CRM-M-49675-2021
Date of decision: 29.11.2021**

Dharmender Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amitabh Tewari, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 96 dated 28.02.2020, registered under Sections 419, 420, 467, 471 and 120-B of the IPC at Police Station Sector 56, Gurugram.

Learned counsel for the petitioner submits that as per the plaint filed by the complainant bearing Civil Suit No. 4699 of 2019 tilted as Moolchand vs. Ramesh Kumar and others, it is set up that on 19.08.2011, defendant No. 1 Ramesh Kumar has agreed to sell the property in dispute for a sale consideration of Rs. 22 Lakh and received the entire sale consideration. It is further submitted that the suit has been filed in the year 2019 i.e. much after the expiry of the period of limitation.

Learned counsel further submits that in the intervening period, there was no complaint from the side of complainant and while granting bail to the father-in-law of the petitioner, who was the owner of the property, the

Court has even opined that there is a possibility that even Ramesh Kumar has been defrauded by someone else.

It is further submitted that as per the subsequent transfer deed dated 27.01.2020, executed by said Ramesh Kumar, it is the wife of the petitioner, namely Anu Radha, who is the beneficiary and she has already been granted the concession of anticipatory bail.

Learned counsel further submits that one of the moot points, to be investigated, is whether Ramesh Kumar, father-in-law of the petitioner, is the same person who is mentioned in FIR as the petitioner has sufficient documentary evidence to show that these are two different persons.

Learned State counsel, on instructions from ASI Dileep Singh, has, however, submitted that petitioner is required for custodial investigation as it has come in the FIR that it is the petitioner who has prepared false documents to execute the transfer deed in favour of his wife Anu Radha.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the allegations in the FIR as well as the case set up by the complainant in the said civil suit, wherein he has set up an agreement to sell relating to the year 2011 and has filed the civil suit in the year 2019 and now the FIR has been registered in the year 2020, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

29.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No