

**206+243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

CRM-M-52065-2021

Date of Decision: 22.12.2021

Satvinder @ Vicky Chaudhary

.....Petitioner

Vs.

State of Haryana

.....Respondent

243

CRM-M-52473-2021

Nitin Kumar

....Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Shiv Kumar, Advocate,
for the petitioners.

Mr. Neeraj Poswal, A.A.G., Haryana.

Mr. Gaurav Kathuria, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

By these petitions, the petitioners seek the concession of 'pre-arrest bail', upon FIR No. 461 having been registered at Police Station City Ballabgarh, District Faridabad, on 19.08.2020, alleging therein the commission of offences punishable under the provisions of Sections 420/447/406/120-B of the IPC (with Sections 380/457 thereof having been added later).

CRM-M-52065-2021

A reply dated 20.12.2021 has been filed by the complainant in

the FIR, who though not a respondent in the petition, the reply is still ordered to be taken on record with the complainant directed to be now added as respondent no. 2 in the petition, with the Registry directed to carry out the necessary correction in the memo of parties after taking his particulars from the copy of the FIR (copy Annexure P-1).

No reply has been filed by the respondent-State but learned State counsel submits that as per the draft reply received by him, the petitioner was found to be in collusion with his sister-in-law, Savita Chaudhary, inasmuch as a power of attorney was executed by the original owner of the house, i.e. Sarita Chauhan, in favour of the driver of the petitioner, i.e. Nitin Kumar (petitioner in CRM-M-52473-2021), who in turn then executed a sale deed on the strength of that instrument in favour of the petitioners' sister-in-law, Savita Chaudhary.

However, learned counsel for the petitioners submits that the power of attorney was executed only because Sarita Chauhan stated that since she lives in Ghaziabad and does not go to Faridabad, and therefore she was authorizing Nitin Kumar to execute the sale deed on her behalf.

The contention therefore is that the petitioners' sister-in-law (Savita Chaudhary) is a *bona fide* purchaser of the premises in question, with the petitioner also in no manner therefore involved in any kind of fraud played upon the complainant, which possibly may have been played by the original owner, i.e. Sarita Chauhan.

Learned State counsel however submits that as per the affidavit of Sarita Chauhan annexed as Annexure P-4 with the petition in favour of the complainant (Ajay Kumar), she is shown to be a resident of Ballabgarh,

District Faridabad.

Similarly, learned counsel for the complainant points out that even as per the vernacular version of the instrument of power of attorney (Annexure P-2), registered on 15.10.2019, Sarita Chauhan had described herself to be a resident of Ballabgarh itself.

Though it is seen that in Annexure P-2 the stamp papers seem to have been purchased in Ghaziabad (with the instrument registered in Ghazibad), the address in the instrument conferring a power of attorney itself, is given as Ballabgarh.

Consequently, without making any comment on the actual merits of the case, this petition is dismissed.

However, it is made clear that nothing observed hereinabove will be taken to be a comment on the actual merits of the case for or against the petitioner, which would be wholly gone into as per evidence gathered and led before the trial court (if it comes to that stage).

CRM-M-53473-2021

As regards this petition, the petitioner is stated to be the driver of the petitioner in the accompanying petition as has been dismissed hereinabove, even as per instructions of learned State.

Again without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

The petitioner is naturally expected to cooperate with the investigation agency.

Adjourned to 14.01.2022.

A gazetted officer is directed to file a detailed reply to the petition, stating therein as to whether other than being an employee of Satvinder alias Vicky Chaudhary, he is found to be guilty of actively colluding in the whole transaction, or whether he was simply acting on the directions of his employer.

A photocopy of this order be placed on the file of the other connected case.

December 22, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.