

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

CRM-M-3574-2020

Date of decision : March 08, 2022

Anju Kapoor

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. A.S. Ahluwalia, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of pre-arrest bail to the petitioner in case FIR No.76 dated 30.9.2018 under Sections 448, 380, 506, 420 IPC, registered at Police Station Palla, District Faridabad.

Vide order dated 28.1.2020, the arrest of the petitioner was stayed on the premise that the petitioner have the General Power of Attorney of one Anandi Devi and on the basis of the same, he has executed a sale deed dated 29.8.2018 in favour of one Bhuri Devi and has not signed any document in favour of complainant-Rajni Devi. Thereafter, the petitioner was again directed to join the investigation vide order dated 5.7.2021. On

17.9.2021, the complainant sought time to place on record the documents showing a valid title was passed over to her by the petitioner being General Power of Attorney of Anandi Devi.

On the last date of hearing, the petitioner was granted one last opportunity to appear before the Investigating Officer and give his signatures.

As per the allegations in the FIR, registered at the instance of Rajni Devi, her husband was employed in CRPF and died in 2013. From his death gratuity, she has purchased a plot at Surya Vihar, Faridabad and after raising construction, she along with her children are residing in the said house. In the year 2016, she got a job on compassionate ground in CRPF and was given posting at different places and due to that she kept her house locked. She came to know from her brother that a person, namely, Anil Kumar had committed the theft and taken the possession of her house illegally. When she inquired from him, he stated that he has purchased the house from the petitioner.

Counsel for the complainant has relied upon various documents, including the General Power of Attorney given by Anju Kapoor in favour of the complainant on 9.12.2015, an agreement to sell of full and final settlement, the receipt of Rs.5 Lacs as full and final payment of 100 sq. yards of plot and the letter giving possession by the owner as well as an affidavit executed by Anju Kapoor.

Counsel for the complainant has further submitted that even irrevocable Will was also executed by the owner in favour of complainant

and now the petitioner under the garb of some GPA from Anju Kapoor has sold the property in question on the basis of a GPA executed by Anandi Devi in favour of one Bhuri Devi on 28.8.2018, i.e. after three years the property was purchased by the complainant by way of an agreement to sell and possession being handed over to her.

Counsel for the petitioner has stated that Anandi Devi has executed a General Power of Attorney in favour of Anju Kapoor on 3.3.2014 and thereafter, Anju Kapoor has further given General Power of Attorney in favour of complainant-Rajni Devi.

The learned State counsel has submitted that it is found during investigation that the petitioner has sold the plot in question to complainant-Rajni Devi and also committed the theft in her house taking the benefit of her absence as she was residing at the place of her posting. She has again sold the house to one Bhuri Devi and even handed over the possession to her.

After hearing counsel for the parties and considering the serious allegations against the petitioner, I find no merit in the petition and the same is, therefore, dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

March 08, 2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No