

CRM-M-18594-2021

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

CRM-M-18594-2021 (O & M)

Date of decision:09.08.2022

Veena Tanwar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anjum Ahmed, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana.

Mr. Rajeev Sharma, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.439 dated 07.08.2020, registered at Police Station City Ballabgarh, District Faridabad, under Sections 419, 420, 467, 468, 471 and 120-B IPC.

Learned counsel for the petitioner contends that the above-noted FIR has been got registered by the complainant alleging himself to be a successor-in-interest of Smt. Mohini Devi; that however, the claim of the complainant and his brothers and sisters for being declared successors-in-interest of Smt. Mohini Devi, on the basis of the mutation, had been rejected by learned Civil Judge (Jr. Divn.), vide judgment and decree dated 26.11.2019 (Annexure P-2); that learned Civil Court also noticed that there was no relation between the complainant and Smt. Mohini Devi and that the complainant has no right to file the complaint against the present petitioner.

CRM-M-18594-2021

Learned counsel for the petitioner further contends that the civil litigation is pending between the parties; that the civil dispute has been given the cloak of criminal liability. He further contends that the petitioner had no role whatsoever in execution of the alleged GPA dated 18.04.2012 as neither the petitioner was present at the time of execution of the same nor she was a beneficiary of the same; and that the petitioner is not responsible for the offence, if any, allegedly committed by her son, who has already expired. He further contends that the alleged GPA dated 18.04.2012 was registered in the office of Sub Registrar, Noida, and, therefore, the Court at Faridabad has no territorial jurisdiction to entertain the present complaint.

On the other hand, learned State counsel and the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submit that Smt. Mohini Devi, great grand-mother of the complainant, expired in the year 1979, but the petitioner in connivance with the co-accused had hatched a conspiracy to get prepared the forged GPA dated 18.04.2012 qua the property in dispute; and that some other lady had transposed as Smt. Mohini Devi and on the basis thereof, the GPA dated 18.04.2012 was got registered in favour of the son of the petitioner, and that on the basis of the aforesaid GPA, the son of the petitioner had executed the sale deed dated 29.10.2015 in her favour.

They further submit that the petitioner had not produced any evidence about the source of Rs.2,42,97,000/- allegedly paid as sale consideration of the land in question. It is further submitted that a civil suit for redemption of the tenancy rights filed by the complainant, was decreed

CRM-M-18594-2021

and the pre-emptory amount had also been deposited and the matter is also pending adjudication for passing of the final decree. It is further submitted that the forged GPA dated 18.04.2012, which was executed and registered at Noida, was used in the territorial jurisdiction of Faridabad in the execution of the sale deed and, therefore, the court at Faridabad has territorial jurisdiction to try and decide the present complaint.

I have heard the learned counsel for the parties.

The above-noted FIR was registered on the basis of application moved by complainant-Sanjay Parashar with the allegations that his great grand-mother (in distant relation) did not have any off-spring and her mutation of inheritance was sanctioned in favour of his father Parkash Chand, vide mutation dated 08.06.1979; that the petitioner in connivance with other co-accused had managed to pose some lady as Smt. Mohini Devi despite the fact that she expired in the year 1979 and they had got prepared the forged GPA dated 18.04.2012 in favour of Akshay Tanwar (son of the petitioner); that on the basis of the said GPA, the sale deed dated 29.10.2015 was executed by Akshay Tanwar in favour of his mother-Veena Tanwar (petitioner), and that in order to defeat the rights of the complainant qua the land in dispute, the said GPA and the sale deed were allegedly executed.

A perusal of the record would show that the alleged GPA was executed and registered on 18.04.2012 i.e. much after the death of Smt.Mohini Devi. Admittedly, the petitioner is a beneficiary of the sale deed dated 29.10.2015, which was based upon the forged GPA dated 18.04.2012. The factum of forgery of GPA is clearly established from the

CRM-M-18594-2021

fact that Smt. Mohini Devi was not alive at the time of the execution of the alleged GPA. It appears that the the petitioner alongwith co-accused had conspired with Akshay Tanwar in order to usurp the property which was vested in the proprietary rights of Smt. Mohini Devi. So far as the contention of the learned counsel for the petitioner that the complainant has no right to move the complaint before the police, is inconsequential for the reason that it is well recognized principle of criminal jurisprudence that any individual who possesses knowledge of the commission of a cognizable offence can set the criminal law in motion.

Moreover, learned Addl. Sessions Judge, Faridabad, while dismissing the bail application of the petitioner, has noticed that there was no mention in the general power of attorney or in the sale deed that Akshay Tanwar or Veena Tanwar were exercising possession over the property in the capacity of *gair marusi* tenants.

Keeping in view the nature and gravity of the offence, but without going into the minute details of the case and without expressing any opinion on the merits of the case, this Court finds that the petitioner is required for custodial interrogation to find out as to who was the lady who had transposed as Smt. Mohini Devi and as to how the forged GPA had been prepared and got registered.

Therefore, finding no merit in the present petition, the same is dismissed.

09.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No