

CRM-M-25039-2021

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

CRM-M-25039-2021(O & M)

Date of decision:09.08.2022

Surender Singh and another

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pawan Singh, Advocate,
for the petitioners.

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

Mr. Rajeev Sharma, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek 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, 471 and 120-B IPC.

Learned counsel for the petitioners contends that neither the petitioners have been named in the present FIR nor any direct allegations have been attributed to them; that the civil litigation is already pending between the parties; that the civil dispute has been given the cloak of criminal liability; that the petitioners are not the beneficiaries of any of the documents and they had only identified the lady on the basis of her *Aadhar Card*; that no revenue official has been arraigned as an accused in the present FIR; that Akshay Tanwar in whose favour, the GPA had been

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executed, has already expired, and 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.

Learned counsel for the petitioners further contends that the above-noted FIR has been got registered by complainant-Sanjay Prasher through Netarpal, a land *mafia*, after executing an agreement to sell the land with him (Netarpal), and that there is no mention in the FIR qua the earnest money and total sale consideration of the land to be sold by the complainant to Netarpal through the agreement to sell.

On the other hand, learned State counsel, and the learned counsel for the complainant, while opposing the grant of bail to the petitioners, submit that Smt. Mohini Devi, great grand-mother of the complainant, expired in the year 1979, but the petitioners 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 the petitioners had identified some other lady in the name of Smt. Mohini Devi. It is further submitted that co-accused Veena Tanwar 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 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

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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 petitioners 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; 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 (co-accused), and that in order to defeat the rights of the complainant qua the land in dispute, the said general power of attorney 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. The factum of forgery of GPA is clearly established from the fact that Smt. Mohini Devi was not alive at the time of the execution of the alleged GPA.

There are allegations against the petitioners that by hatching a conspiracy with Akshay Tanwar, they had identified some other lady in the name of Smt. Mohini Devi, and got prepared the forged and fabricated GPA dated 18.04.2012.

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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 petitioners are 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?
Whether reportable?

Yes/No
Yes/No