

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

CRM-M-27644-2020 (O&M)

Date of decision: 10.05.2022

Gagan Vashisht

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 113 dated 30.03.2016, registered under Sections 406, 420, 467, 468, 120-B of the IPC (Sections 419 and 471 of the IPC added later on) at Police Station Bhondsi, District Gurugram.

The operative part of the order dated 15.09.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel submits that co-accused Choti Devi, pretending herself to be the daughter of Sati Nath, filed a petition before the Collector to declare her Bhondedar/Dholidar under the Haryana Dholidar, Mukrimar and Bhondedar Act, 2010. The said petition was allowed and she was declared owner by the Collector, Gurugram on 07.10.2014 (Annexure P-6) and thereafter, the mutation was changed in the name of aforesaid Choti Devi, daughter of Sati Nath on 25.11.2014 (Annexure P-7).

Learned counsel further submits that on the basis of sanctioning of mutation, aforesaid Choti Devi entered into

an agreement to sell in favour of petitioner and at the time of entering into said agreement, an amount of Rs. 21 Lakh was paid to said Choti Devi, vide two demand drafts of Rs. 3 Lakh and Rs. 13 Lakh and Rs. 5 Lakh in cash.

Learned counsel further submits that sensing some dispute on the part of Choti Devi, one GPA was also executed in favour of the petitioner and on the basis of the same, the sale deed was executed in favour of petitioner and her mother Nirmala Devi on making a total payment of Rs. 1.25 Crore.

Learned counsel further submits that complainant Satbir along with others filed a civil suit claiming that he is the successor of Choti Devi, who has died on 09.09.2004 and was not alive in 2014 when the application of co-accused Choti Devi was filed claiming herself to be daughter of Sati Nath. The said suit is pending and the prayer in this suit is to set aside the sale deed in favour of Nirmala Devi, mother of present petitioner.

Learned counsel for the petitioner further submits that mother of petitioner has also filed a suit for injunction against Satbir and others and the said injunction suit is also pending.

During the course of arguments, on a Court query, it comes that the balance sale consideration was paid by the mother of the petitioner in the account of petitioner as detailed in the sale deed.

Learned counsel further submits that three persons, namely Devinder Singh and Ramesh, who are the witnesses to said agreement to sell, as well as aforesaid Choti Devi stand arrested and now it has come that all of them are residents of some other village, whereas original Choti Devi d/o Sati Nath was the resident of village Bhondsi.

Learned counsel for the petitioner further submits that when the agreement to sell was executed, the petitioner has verified the title of the land on the basis of the order of the Collector as well as mutation and has paid the amount of Rs. 21 Lakh to Choti Devi believing that she is the daughter of Sati Nath, the original Choti Devi, who, according to complainant, has died in the year 2004.

Learned counsel for the petitioner further submits that the petitioner is ready to explore the possibility of some settlement in a manner that the petitioner or his mother will not claim any right on the basis of the sale deed if some settlement, in terms of money, is arrived at between the parties.

Learned counsel lastly argues that petitioner and his mother, believing co-accused Choti Devi to be the original Choti Devi d/o Sati Nath, has entered into agreement to sell and their action on that part was *bona fide*.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and seeks some time to address arguments.

List again on 16.10.2020.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.09.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner has placed on record order dated 02.05.2022 passed by the JMIC, Sohan, reflecting that an FDR for Rs. 25 Lakh is deposited before the said Court.

Learned counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position and submits that

the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 15.09.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

10.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No