

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

**CRM-M-35409-2020
Date of Decision : 19.07.2022**

Meenu Aggarwal and another Petitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sunil Sihag and Mr. Abhishek Goyal, Advocates
for the petitioners.

Mr. N.S.Panwar, DAG, Haryana.

Mr. Ajay Gupta, Advocate
for the complainant.

JASGURPREET SINGH PURI, J (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in case FIR No.242 dated 13.08.2020, under Sections 120-B, 420, 467, 468, 471 IPC, registered at Police Station Civil Line, Bhiwani, District Bhiwani.

As per the allegations, contained in the FIR, complainant Ashok Kumar lodged a complaint against his own brother and other family members by making various allegations with regard to the property which was previously owned by their parents. A Will was also executed and thereafter various documents are also in dispute in the present case. As per the allegations, the petitioner No.1, who is the wife of petitioner No.2 alongwith petitioner No.2 has deceived the complainant in order to grab the property and transferred the land of complainant's share after family

Meenu-petitioner No.1 being proprietor from the GST Department. As per the allegations, the licence was obtained not only from GST Department but also from the Electricity Department by submitting fabricated rent deed and since petitioner No.1 was the beneficiary being proprietor of the Mahima Fibers, a fraud has been committed upon the complainant.

Learned counsel for the petitioners has submitted that the arrest of the petitioners was initially stayed by this Court in order to enable the parties who are brothers, to settle the matter by way of a mediation process but mediation failed. Thereafter, vide order dated 16.03.2022, this Court granted interim bail to the petitioners and directed them to join the investigation as and when called by the Investigating Officer and in the event of their arrest, they shall be released on bail by the Arresting/Investigating Officer subject to the conditions as provided under Section 438 of the Code of Criminal Procedure. He submitted that in pursuance of the aforesaid order, both the petitioners have joined the investigation and they have fully cooperated with the investigation process and has prayed that the aforesaid order dated 16.03.2022 be confirmed.

Learned State counsel, on instructions from ASI Ramesh Kumar, has submitted that in pursuance of the aforesaid order dated 16.03.2022 passed by this Court, both the petitioners have joined the investigation and they have fully cooperated with the investigation process and he has specific instructions to state that both the petitioners are not required for custodial investigation.

Mr. Ajay Gupta, learned counsel for complainant, has opposed the grant of anticipatory bail to the petitioners. He submitted that it is a case where both the petitioners being husband and wife have committed a fraud upon the complainant by grabbing the property belonging to his parents and by using a fabricated document

Electricity Department wherein the beneficiary of the aforesaid document was only petitioner No.1 who is the proprietor of Mahima Fibers. He submitted that the said document is yet to be recovered from her and source of the same has to be ascertained but the petitioners have not submitted the original document and, therefore, it is a fit case where the custodial investigation of the petitioners is required.

I have heard learned counsel for the parties.

A specific stand taken by learned State counsel that the petitioners have already joined the investigation and have cooperated with the investigation process and they are not required for custodial investigation. However, learned counsel for complainant has opposed the grant of anticipatory bail to the petitioners on the ground that some fabricated document in the nature of a rent deed was given to the GST Department and Electricity Department for getting some benefit and, therefore, the custodial investigation was required for the recovery of the same. Learned counsel for the complainant has also supplied a copy of the aforesaid rent deed on which he is relying upon. In the rent deed, it has been stated on first page that rent note is created by Smt. Devavati Devi, mother of petitioner No.2 but on the second page which is a concluding part, there are no signatures of the aforesaid Smt. Devavati Devi but it has been purportedly signed by Makhan Lal, father of petitioner No.2 and the learned counsel for complainant submitted that Makhan Lal had died much before the date of the execution of this rent deed. However, on the other hand, during the course of arguments, learned counsel for the petitioners relied upon Annexure P-3 to state that infact Annexure P-3 was the rent deed which was executed by Smt. Devavati Devi herself after purchasing the stamp papers which have been Annexed at Page No.105 of the paper book to show that the rent deed which was used for the purpose of getting GST number and electricity connection

etc. was executed in the year 2013 by Smt. Devavati Devi herself when she was alive and the petitioners are not even aware as to how the rent deed relied upon by learned counsel for the complainant has come into play. Learned counsel for the complainant has also stated that the aforesaid rent deed was taken under the RTI but this fact has been specifically opposed by learned counsel for the petitioners by stating that the rent deed as supplied by the learned counsel for the complainant on the face of it seems to be fabricated and, therefore, there was no question of non-supply of the original rent deed by the petitioners to the police. It appears that the dispute involved in the present case pertains to documents and the authenticity of the same is to be ascertained during the course of investigation and during the trial. One of the parties has alleged the fabrication of the document and another party has denied the execution of the document and has rather relied upon another document which is Annexure P-3. The present is a petition filed for the grant of anticipatory bail in which the petitioners have already joined the investigation and as per stand taken by learned State counsel, they are not required for custodial investigation.

In view of the aforesaid facts and circumstances, this Court is of the view that the present petition deserves to succeed.

Consequently, the present petition is allowed. The order dated 16.03.2022 is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.07.2022
mamta

(JASGURPREET SINGH PURI)
JUDGE