

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision : 18.4.2022

CRM-M-47116-2021 (O/M)

Anand Kumar

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CRM-M-49451-2021 (O/M)

Sanjeev Kumar

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Shalender Mohan, Advocate
for petitioner in CRM-M-47116-2021.
Mr. Satish Saini, Advocate
for petitioner in CRM-M-49451-2021.
Mr. Saurabh Girdhar, AAG Haryana.
Mr. Munish Kumar Garg, Advocate
for applicant complainant.

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HARINDER SINGH SIDHU, J.

CRM-8897-2022 in CRM-M-47116-2021

Zimni orders (Annexure C-1 to Annexure C-5) are taken on record.

Application is disposed of.

CRM-8905-2022 in CRM-M-49451-2021

Zimni orders (Annexure C-1 to Annexure C-5) are taken on record.

Application is disposed of.

Main cases

This order shall dispose of aforementioned cases as the facts are identical in both cases.

These petitions are filed under Section 439 Cr.P.C. for grant of regular bail in FIR No. 169 dated 21.5.2017 registered under Sections 406, 420, 467, 468, 471, 506, 120 B IPC at Police Station Sadar Jind.

FIR was registered on the statement of one Sushila who stated that she owned a plot measuring 746 sq. yds. situated within the revenue estate of village Haibetpur, Tehsil and District Jind. Jitender and Hitender sons of Joginder Singh are nephews of complainant. They expressed desire to purchase the said plot. An oral agreement to sell was entered into between the parties for sale of 510 sq. yds.

for a total sale consideration of sale deed. It was agreed that the sale deed would be executed in favour of Suman and Jyoti, wives of Jitender and Hitender respectively. The complainant was called to the Tehsil Office, Jind on 29.3.2017 for getting sale deed registered. Jitender told complainant that he had already purchased stamp papers and the sale deed would be got drafted from the Deed Writer. On the asking of Jitender, complainant got herself photographed before the Computer. The photographs of Suman and Jyoti were also taken for the purpose of sale deed. When the complainant asked Jitender to pay the sale consideration, she was told that the sale consideration would be given to her at her home. The complainant became suspicious and refused to sign the sale deed. She immediately informed the Registrar as also the Registry Clerk Jaipal and asked them not to proceed with the registration of sale deed. It is stated that no land was sold by complainant to Suman and Jyoti nor had she received any amount from them. It is further alleged that her signatures on the sale deed had been forged. On 19.7.2017, Jitender and Hitender came to the plot of complainant and tried to take forcible possession besides damaging the wall. They claimed that the plot had been sold in favour of Suman and Jyoti. The complainant then got certified copy of sale deed dated 29.3.2017 and found that her signatures appearing on Release Deed dated 28.2.2017 were scanned and affixed on the forged sale deed. Alleging that the accused had conspired to get forged sale deed prepared and grab the plot of the complainant, case was lodged.

During investigation, it was concluded that the signatures of complainant were scanned from Release Deed No. 7042 dated 28.2.2017 and were pasted on the forged Sale Deed No. 7867 dated 29.3.2017. Petitioner Anand Kumar was the Sub Registrar and petitioner Sanjeev Kumar was working as Registry Clerk on the day the forgery was done. A DDR was lodged claiming that original sale deed had been lost and signature of complainant was got affixed on the sale deed by scanning her signature from sale deed.

Learned counsel for complainant has placed on record various orders passed by learned Chief Judicial Magistrate, Jind. In the order dated 18.10.2021 (Annexure C-1), learned Chief Judicial Magistrate, Jind opined that the

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investigation in the case has not been conducted in proper manner and that the report exonerating accused Jitender, Hitender, Suman, Jyoti and Jaipal was defective in various aspects. A direction was issued to Superintendent of Police, Jind to ensure just and proper investigation in present case.

In the order dated 1.11.2021 (Annexure C-2), learned Chief Judicial Magistrate, Jind framed the following questions to be answered by prosecution and police was directed to file supplementary report :-

1. Whether the sale deed No. 7867 dated 29.3.2017 allegedly taken on record by police bears the signatures of purchaser/beneficiaries namely Jyoti and Suman and signatures of attesting witnesses Harpal Singh and Sombir or not ?
2. If the signatures of seller/complainant Sushila Devi is forged on the recovered copy/original of sale deed No. 7867 dated 29.3.2017, how the signatures of other executants i.e. purchaser and attesting witnesses came on that very document ?
3. Whether the signatures of other executants are also forged ?
4. If the signatures of other executants are genuine, how their signatures came on the forged document ?

In the order dated 16.11.2021 (Annexure C-3), learned Chief Judicial Magistrate, Jind expressed anguish that the Court orders were not shown any respect by police. It was recorded that it is not possible to comprehend as to why the statements of other signatories on the forged sale deed namely Jitender, Hitender, Suman and Jyoti were not being recorded.

In the order dated 1.2.2022 (Annexure C-4), the Court took note of the fact that supplementary challan has been filed on 11.1.2022.

In the order dated 10.2.2022 (Annexure C-5), the Court took note of the supplementary challan filed by police in the case. The Court concluded that there were no allegations of cheating or criminal breach of trust against petitioner. Petitioner was discharged from Section 406, 420 IPC. He was also discharged with respect to offence under Section 506 IPC. He has been chargesheeted for offences under Section 120 B IPC and Sections 465, 467, 471 IPC read with Section 120 B IPC.

It is stated that petitioner Anand Kumar is in custody since 19.7.2021 and petitioner Sanjeev Kumar is in custody since 16.8.2021.

Considering the fact that trial of case may take a long time, no useful purpose would be served by keeping them behind bars. Accordingly, petitions are allowed. Petitioners Anand Kumar and Sanjeev Kumar are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

18.4.2022

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No