

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

CRM-M-50629-2022

Reserved on: 07.11.2022

Date of Pronouncement: 15.11.2022

Jaljeet Malik and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Dr. (Mr.) Surat Singh, Advocate, for the petitioners.

Complainant-Mr. Sumit Nath Singh in person.

HARNARESH SINGH GILL, J.

The petitioners seek grant of anticipatory bail in case bearing FIR No. 364 dated 07.10.2022, registered under Sections 120-B, 420, 467, 468, 471 IPC, at Police Station Civil Lines, Bhiwani.

Learned counsel for the petitioners has argued that whether the property in question is worth Rs.50 crore or Rs.200 crore, is irrelevant; that earlier an inquiry was conducted by the Superintendent of Police, Bhiwani; that the petitioners purchased the land comprising in Khewat No. 2202, Khsara No. 683/2 measuring 20 kanal 11 marla and petitioners made payment through cheques for Rs.1.72 crore, to the authorised vendor i.e. Baptist Missionary Society Corporation (BMSC) and appeared before the Sub Registrar on 05.09.2022 at 3.00 p.m. for execution of sale deed but instead of execution of sale deed, the Sub Registrar wrote letter to Registrar/Deputy Commissioner, seeking his guidance on the subject; that since

despite payment, the sale deed was not executed, petitioner No.1 filed CWP-22561-2022 in which notice of motion has been issued for 22.02.2023 and status quo with regard to the titled property, has been ordered to be maintained.

Learned counsel for the petitioners would argue that the petitioners had purchased the property through one Satish Geroje, who is the President/Director of the Baptist Missionary Society Corporation (BMSC) and was duly authorized to sell the land; that the process of selling of land started only after passing of the order dated 29.08.2022 by the Collector, thereby setting aside the order dated 27.11.2020 passed by the Assistant Collector vide which mutation No. 18917 sanctioned on 12.02.2015 on the basis of Deed of Appointment of Trustees, No. 1043 dated 22.8.1958 in favour of the Baptist Church Trust Association had been set aside; that there is no illegality in the said transaction; that the petitioners are the bona-fide purchasers of the property; that complainant Sumit Nath had no right to the property as he belongs to Baptist Church Trust and the earlier complaint filed by him was rejected; that the entire dispute is civil in nature and that CRM-M-49804-2022 preferred by Co-accused for quashing of the present FIR is also pending before the Coordinate Bench, for 11.11.2022.

On the other hand, the complainant, who appears in person, has placed on record certain documents, by way of CRM-42238-2022, showing his authority in respect of the property in question. He contends that originally a Power of Attorney dated 17.03.1959 had been executed in favour of

Shantanu from Dev Dutta; that said Shantanu Dutta executed a Power of Attorney in favour of co-accused Satish George and the investigation conducted by the police had revealed that said Satish was a self styled President/Secretary of the Society; that it was found that vide sale deed dated 05.09.2022, which was rejected by the Tehsildar, Bhiwani, Satish George had tried to alienate the property of the Society on the basis of the said forged Power of Attorney in favour of the petitioners, in connivance and conspiracy of each other; that when the Power of Attorney dated 20.03.2021 was got verified, the address of the parties and the official addresses of the Society were found to be false and not in existence; that the inquiry report dated 6.10.2022 of the Assistant Commissioner of Police would show that co-accused Satish George is involved in five more similar cases, where against petitioner No.1, 18 other criminal cases are pending. It is yet further contended that the property worth Rs.50 crore had been fraudulently tried to be alienated by way of sale deed dated 05.09.2022 for an amount of Rs.1,72,1625/- and that as a matter of fact, no money was credited to the account of BMSC.

I have heard learned counsel for the petitioners and the complainant in person and have also gone through the case file.

The FIR in question has been registered by the complainant, being an authorized person of the Society. The complainant has placed on record Annexure R.2/1, Power of Attorney dated 12.12.2016, executed by the Baptist Missionary

Society Corporation at Oxford U.K. The FIR is in respect of the execution of the sale deed dated 05.09.2022 by one co-accused Satish George in favour of the petitioners. Though, it is the case of the petitioners that an amount of Rs.1,72,1625/- was paid to the Society, but as per the Complainant, not even a single penny had been credited to the account of the Society. Even the petitioners could not show any document on record, depicting the position regarding deposit or credit of such amount in the account of the Society.

Yet further, on a specific query put to the counsel for the petitioners, the source of money could not be depicted and there is no counter to the allegations levelled by the complainant that as a matter of fact, there was no money in the account of the petitioners and issuance of the alleged cheques issued was a sham transaction only.

In respect of the CWP-22561-2022, which has been filed by petitioner No.1 for issuance of directions to respondent Nos. 2 and 3 therein i.e. the Registering Authorities to register the sale deed dated 05.09.2022, suffice it to say that mere pendency of the said petition would have no bearing on the investigation and further proceedings in the present FIR as admittedly, the police has found during investigation that the petitioners have played fraud upon the Society.

So far as CRM-M-49804-2022 is concerned, the same has been filed by one Ravinder Singh, Tehsildar, for quashing of the FIR qua his role in the occurrence. Thus, even the said fact has no bearing on the relief sought by the petitioner.

The allegations against the petitioners are serious in nature. The sale deed dated 05.09.2022 has been executed for a meagre amount whereas the property is stated to be worth Rs.50 crore. The petitioners' claim being bona-fide purchasers for valuable consideration does not stand to a logic, especially, when it was a duty cast upon them to verify the authority of Satish Gerge, before entering any transaction in respect of the property in dispute. The entire factual position would rather indicate the petitioners' complicity in the crime. Besides, co-accused Satish George and petitioner No.1, are having criminal antecedents and, therefore, the custodial interrogation of the petitioners is required.

In view of the above, no case is made out to grant anticipatory bail to the petitioners.

Dismissed.

15.11.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No