

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

**CRM-M-59734-2022
Date of decision : 23.12.2022**

Ravinder**..... Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

Prayer is for pre-arrest bail in FIR No.55 dated 04.04.2022, registered for the offences punishable under Sections 420, 467, 468, 471 and 120-B of IPC, at Police Station Satnali, District Mahendergarh.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“To, The Superintendent of Police Narnaul, District Mahendragarh, Haryana. Subject application for taking appropriate strict action and for registering of the case regarding transfer of agricultural land fraudulently and executing false registry by preparing forged documents, 1- Application for taking appropriate action against accused Dhoop Singh son of Sh. Rishal Singh resident of Village Dhalangwas Sub Tehsil Satnali District Mahendregarh, Haryana Mobile No.9350285268 and Kailash son of Sh. Ram Avtar resident of Village Madhogarh Tehsil Satnali District Mahendregarh, Haryana Mobile No. 9289856203 and etc and other conspirators and accomplices alongwith these accused. That I, applicant Mahesh Agarwal son of Sh. Ramotar

Agarwal resident of Village Madhogarh Tehsil Satnali District Mahendragarh, Haryana now residing at Navi Mumbai Maharashtra and Sunil Agarwal son of Sh. Ram Parsad Agarwal resident of Village Madhogarh Sub Tehsil Satnali District Mahendragarh, Haryana presently residing at Kolkata (West Bengal) are peaceful and law abiding citizen. That my father Sh. Ramotar Agarwal purchased land measuring 3 Killa 2 Kanal (total 26 Kanal) in village Dhalanwas Tehsil Satnali District Mahendragarh, Haryana for agriculture purpose alongwith my uncle's (Tauji) son namely Sh. Ram Parsad son of Raju Ram 35-40 years ago and the registry regarding the ownership in the favour of Ramotar son of Dhansi Ram and Sh. Ram Parsad son of Sh. Raju Ram, Photocopy of Jamabandi (Patwari Kangoo No. 10) are annexed with the application. The details of Khewat and Khasra Number of the land are as follows. Hadbast No.23, Khewat No. 249 Khatoni No. 257, Khasra No. 91//21/2 4.00 Kanal 22 8.00 Kanal 23 8.00 kanal 24 8.00 total land measuring 26.00 Kanal. That Romtar is having 7 sons and 3 daughter and their respective names are as follows 1. Vishwanath 2. Sajjan 3 Kailash 4 Mahesh 5. Manoj 6 Shivratan 7. Sachin @ Lala. Daughters 8 Santra Hai 9. Salochana 10. Anju Bai and Sh. Ram Parshad are having 4 sons and 5 daughters and their respective names are as follows 1.Ram Chander 2. Om Parkash 3. Pawan Kumar 4. Sunil Kumar Daughters 5. Krishna Bai 6. Ganju Bai 8. Babita 9. Muniya Bai. It is to be noticed that Sh. Ramotar son of Sh. Dhansi Ram and Ram Parshad son of Sh. Raju Ram had already passed away long way back. That now when I applicant came to my village then it came to my knowledge that aforesaid accused (Kailash son of Ramotar) alongwith his accomplices fraudulently and by preparing forged documents in connivance with concerned Patwari/

Official/ Employee sold the agricultural land to aforesaid accused (Dhoop Singh son of Rishal Singh) Husband of Gindori Devi) by getting mutation sanctioned and verified of entire share in his favour. That the agricultural land was in the name of 4 sons 5 daughters of Sh. Ram Parshad son of Sh. Raju from last many years and they all are alive and presently they are residing at Kolkata (West Bengal) and therefore, the land has been sold away by ignoring the ownership and rights of the above said persons. In this fraudulent act Halqa Patwari and Tehsildar etc are also involved. Aforesaid Kailash son of Sh. Romotar, Doop Singh son of Rishal Singh etc fraudulently in connivance with Halqa Patwari and Tehsildar etc and by presenting him to be the son of Sh. Ram Parshad had sold the agricultural land that this act has been done by the accused to take benefit and to cause loss to the family of the applicant I applicant and his family which are now residing at Bombay and Kolkata and comes to village occasionally to take care of the house, Nohra and agricultural land when the family came to the village then it came to the knowledge that aforesaid accused Kailash and Dhoop Singh etc fraudulently, by preparing document, by committing fraud and in connivance with the revenue official had sold away the agricultural land belonging to the applicant family. And when the applicant asked the reason behind this then the accused said that do whatever you want to do we have done our work in a solid manner you cannot do anything against us, government is ours and Patwari and Teshil is also known to us and all the work can be done lieu of money and today's world any type of work can be done through money. And you have witnessed the same that the the land belongs to you and openly we have sold your land. It is good for you to leave and go to your house otherwise you have to face sequences. We

are capable of doing all the wrong work as we have lot of money. Nobody will look into your grievance therefore, through this applicant it is requested to you that the fraudulent sale of the agricultural land may kindly be ordered to be inquired and by cancelling the forge registry, our agricultural land be transferred in our name. Strict legal action should be taken against the aforesaid accused persons. It will highly grateful. Photocopy of Jamabandi is being annexed with the application. With due respect dated 19.01.2022 applicant. Place: Mahendragar Mahesh Aggarwal son of Romtar Agarwal resident of Village Mahdogarh Sub Tehsil Santnali District Mahendergarh, Haryana presently residing at Mumbai, Maharashtra Mobile No. 9821797819 2. Sunil Agarwal son of Sh. Ram Parshad Agarwal resident of Village Mahdogarh Sub Tehsil Santnali District Mahendergarh, Haryana presently residing at Kolkata (West Bengal) Mobile No. 98310-47315 Police station Satnali, District Mahendragarh.”

3. Counsel for the petitioner has relied upon para 50 of the Haryana Land Record Manual read with para 7.15 to assert that as per the manual, once unregistered Will is presented, Patwari is in obligation to enter the mutation according to Vasiyat Jabani and it depends upon the officer who enquire about the vasiyat (Will) to decide whether the Will is valid or not and sanction the mutation accordingly after hearing natural heirs.

4. Reliance has further been placed upon instructions issued by the Government to Patwaris/Kanoongos while under training wherein it has been specifically provided that even when the Will is unregistered, Patwari shall enter the mutation accordingly and thereafter the Circle Officer shall record the statements of the witnesses before sanctioning the mutation.

5. Mr. Keshav Pratap Singh thus asserts that the role attributed to the petitioner is strictly in accordance with law. He entered the mutation once Will whether registered or unregistered was produced and it was thereafter for the officer concerned to satisfy himself w.r.t. the validity of Will in accordance with law and the petitioner merely being official is not the beneficiary under the Will and thus it will be the case of pre-arrest bail.

6. I have heard counsel for the petitioner and have gone through the records of the case.

7. Admittedly, roznamcha was entered into by the petitioner. The same is appended with the petition as Annexure P-6. The same would show that at no place the petitioner mentioned that the Will is unregistered.

8. In view of the aforesaid facts and keeping in view the allegations levelled against the petitioner, this Court does not find that it is a fit case for grant of pre-arrest bail and the same is hereby dismissed.

(PANKAJ JAIN)
JUDGE

23.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No