

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206+272 CRM-M-45856-2022 (O&M)
Kharaiti Lal SachdevaPetitioner
Vs.
State of Haryana and AnotherRespondents

CRM-M-15598-2023
Shamsher SinghPetitioner
Vs.
State of Haryana and AnotherRespondents

Date of Decision: 21.09.2023

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aditya Jain, Advocate for the
petitioner in CRM-M-45856-2022 (O&M).

Mr. Akashdeep Singh, Advocate for the
petitioner in CRM-M-15598-2023.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Manoj Kakkar, Advocate
for respondent No.2.

DEEPAK GUPTA, J. (ORAL)

CRM-25712-2023 in CRM-M-45856-2022:

This is an application under Section 482 Cr.P.C. to place on

CRM-M-45856-2022 (O&M) with
CRM-M-15598-2023

-2-

record certified copy of written statement 13.10.2022 (Annexure P-10), in a pending civil suit.

Allowed.

Annexure P-10 is taken on record.

CRM-M-45856-2022 (O&M) &
CRM-M-15598-2023:

In both the petitions titled above, petitioner(s) prays for grant of anticipatory bail under Section 438 Cr.P.C. in case FIR No.0359 dated 08.09.2022 (Annexure P-5) registered under Sections 420, 467, 468, 471, 34 of the IPC, 1860 registered at Police Station Arya Nagar, District Rohtak.

2. FIR was lodged on the complaint of one Anil Mehta, as per which Madan Lal, Brij Mohan and Inder Mohan sons of Kundal Lal were owners of land measuring 13 Biswa as detailed in the FIR and that Kharaiti Lal Sachdeva [*petitioner in CRM-M-45856-2022 (O&M)*] and Shamsheer Singh [*petitioner in CRM-M-15598-2023*] in collusion with each other, on the basis of a forged power of attorney, succeeded in getting executed registered sale deed No.6572 dated 22.10.2008 in their favour and thus, had committed fraud with the complainant.

3. It is contended by learned counsel for both the petitioner(s) that in fact, sale deed dated 22.10.2008 regarding the land in question was executed in their favour by previous owners Madan Lal, Brij Mohan and Inder Mohan through their Power of Attorney namely Anand Kumar for

CRM-M-45856-2022 (O&M) with
CRM-M-15598-2023

-3-

consideration of ₹8,95,000/-. Said Anand Kumar was holding GPA No.1277/4 dated 10.07.2008 registered in the office of Sub-Registrar Bhinga District Basti, Uttar Pradesh. Petitioner(s) had obtained possession of the land and spent huge amount on its development. Mutation was sanctioned in their favour on 21.12.2008. However, in February, 2010, Halka Patwari informed them that original owners were claiming to be owners of the land alleging that they had never transferred the land and had never appointed any person as their attorney to transfer the land. Petitioners then met the original owners and came to know that Anand Kumar had impersonated as GPA of the original owners and thus, he had cheated the petitioner(s) as well as the original owners. In these circumstances, petitioner(s) instituted a civil suit for declaration against the original owners so as to declare the sale deed No.6571 dated 22.10.2008 and the subsequent mutation No.14732 being illegal and void *ab initio*. Learned counsel contends that said suit was dismissed for non-joinder of the necessary party vide order dated 02.04.2013. Thereafter, original owners kept mum for a period of almost 12 years and then appointed Anil Mehta as their attorney. But they never came forward for getting the GPA or the sale deed canceled. Later on, an agreement to sell was executed amongst the parties on 07.06.2022 but the FIR in the meantime, was got registered after a gap of more than 14 years from the date of impugned sale deed, based on the forged GPA.

4. Learned counsels contend that the entire dispute is civil in

CRM-M-45856-2022 (O&M) with
CRM-M-15598-2023

-4-

nature and based on documentary evidence; that petitioner Kharaiti Lal Sachdeva was allowed interim anticipatory bail by this Court on 30.09.2022; whereas petitioner Shamsher Singh was granted the similar benefit on 28.03.2023. Pursuant to these orders, both the petitioners have since joined the investigation. Learned counsel(s) have prayed for making the interim orders as absolute.

5. Learned State counsel along with the counsel for the complainant have opposed the bail petition on the ground that petitioners are beneficiary of the sale deed in 2008 on the basis of a forged Power of Attorney.

6. Heard. The FIR has been lodged after more than 14 years of the execution of the forged GPA. *Prima facie*, petitioners appears to be victims, who have been cheated by Anand Kumar, who claimed himself as a GPA holder of the owners and on the basis of forged GPA executed sale deed in 2008 in favour of the petitioner(s). Bonafide of the petitioner(s) are evident from the fact that on coming to know about the cheating done with them and the original owners, they themselves instituted a suit in 2010 for getting the sale deed declared as void *ab initio*. Concededly, petitioner(s) have already joined the investigation. Case is dependent upon circumstantial evidence.

7. Having regard to all the above facts and circumstances, both the petitions are allowed. Order dated 30.09.2022 granting interim anticipatory bail to petitioner Kharaiti Lal Sachdeva in CRM-M-45856-2022 (O&M);

CRM-M-45856-2022 (O&M) with
CRM-M-15598-2023

-5-

and order dated 28.03.2023 granting interim anticipatory bail to petitioner
Shamsher Singh in CRM-M-15598-2023, are hereby made absolute.

8. However, the petitioner(s) shall continue to join the
investigation as and when called upon to do so by the Investigating Agency
and shall abide by the conditions of Section 438 (2) Cr.P.C.

September 21, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No