

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-19008-2023
Date of decision: 19.04.2023

Azeem and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Devender Kumar, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.391 dated 13.02.2023 (Annexure P-1) under Sections 420, 467, 468, 471, 384 and 120-B of the IPC registered at Police Station Shivaji Nagar, District Gurugram.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the instant case for allegedly extending threats to the complainant that in case they were not paid ₹20 lakhs by him, a false case would be planted on him. Learned counsel while drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-1) contends that an agreement to sell dated 29.08.2019 was allegedly forged by co-accused Asgar and Ishak which in turn was witnessed by Wajid and Kasim (Annexure P-4), hence, it was evident that the petitioners had no nexus with the said agreement whatsoever much less being beneficiaries of

the agreement to sell. Learned counsel has further vehemently argued that a civil dispute between the parties is being given a criminal colour as it is a matter of record that civil suits are pending between them. Learned counsel has further contended that the agreement to sell dated 29.08.2019 (Annexure P-4) has till date not been proved to be forged by any Court of Law and in case after the culmination of the civil suit the agreement to sell (Annexure P-4) is found to be forged, it would be only then that the complainant could have filed the FIR in question. Learned counsel thus submits that in the light of the allegations levelled, the custodial interrogation of the petitioners would not be required and furthermore, they were ready to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. On asking of the Court, Mr. Chetan Sharma, AAG, Haryana accepts notice on behalf of the respondent-State.

5. At this stage, Mr. Sarfraj Hussain, Advocate has put in an apparently and filed his vakalatnama on behalf of the complainant which is taken on record.

6. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by learned counsel for the petitioners. It has been submitted that all the accused including the petitioners are closely related and belong to the same family. The complainant purchased two plots from co-accused Ishak i.e. father and father-in-law of petitioners No.1 and 2 respectively vide sale deed bearing Vasika No.3739 dated 06.11.2019 and Vasika No.5451 dated 04.02.2020 as per the prevailing market

prices. However, subsequently the prices of the land escalated and all the accused including the petitioners became greedy and started demanding an exorbitant amount of money i.e. ₹20 lakhs, for the plots in question. The complainant was not only in possession of the plots but in the meantime had also made some construction. When the complainant did not buckle under the pressure of the accused, he was threatened by all the accused including the petitioners with false implication in cases. The accused then got a forged and fabricated agreement qua the plots in question i.e. 29.08.2019 in collusion with each other and filed civil suits against the complainant.

7. Learned State counsel has also contended that the property in question is in the vicinity of NCR, Delhi. The custodial interrogation of the petitioners would thus be required to unearth the entire scam as such like unscrupulous persons are very active in the area.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. Prima facie, there are specific and serious allegations levelled against the petitioners of having forged an agreement to sell dated 29.08.2019 in collusion with each other, and thereafter trying to extort ₹20 lakhs from the complainant, by instituting a civil suit based on an alleged forged agreement to sell.

10. Therefore, in view of the gravity of charges levelled against the petitioners, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners.

11. Accordingly, the instant petition stands dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.04.2023

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(MANJARI NEHRU KAUL)
JUDGE

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