

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

101

CRM-M-24777-2023 (O&M)  
Date of decision: 05.07.2023

RAVI KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present : None for the petitioner.

Mr. Parminder Walia, Advocate  
for the complainant.

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MANOJ BAJAJ. J.(ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.65 dated 01.03.2023 registered under Sections 420, 467, 468, 471 and 120-B IPC, 1860 at Police Station Kalka, District Panchkula, who apprehends his arrest at the hands of Police.

Despite repeated calls, no one has appeared on behalf of the petitioner.

A perusal of the petition and the FIR reveals that the alleged offences relate to the transfer of immovable property on the strength of forged and fabricated GPA dated 29.11.2022. In the present petition, it has been averred that the case of the prosecution is based on documentary evidence, which is already in possession of the Police and since no recovery is to be effected from the petitioner, his custodial interrogation may not be necessary. As per the averments, the petitioner is willing to join the investigation and has prayed for pre-arrest bail.

On the other hand, learned counsel for the complainant and State counsel assisted by PSI Ajay have argued that the petitioner namely Ravi Kumar in connivance with co-accused Sandeep Kumar got prepared the forged GPA in favour of Kapil Kumar and on the basis of the said GPA the property in question was sold to Nutan Garg vide sale deed dated 22.12.2022. According to him, the

property was owned by one Ravi Kumar, who is resident of the same village where the petitioner resides and taking advantage of the similar name he had committed this crime and after execution of the sale deed dated 22.12.2022, the amount of sale consideration of approximately Rs.41 lacs paid by buyers through cheque was got deposited in petitioner’s account. He prays that since the sale proceeds have been credited in the account of the petitioner, therefore, custodial interrogation of the petitioner is necessary.

Upon hearing learned counsel for the complainant and State of Haryana and considering the gravity of the offence, this Court does not find it to be a fit case for extending the concession of pre-arrest bail to the petitioner. According to the prosecution, the GPA executed in favour of Kapil Kumar was used in executing the sale deed and the amount of sale consideration reached in the account of the petitioner.

No doubt, the case of the prosecution is founded upon the documentary material but that alone cannot be taken as a circumstance to extend the extra ordinary concession of anticipatory bail to an accused. The facts of the case show that the custodial interrogation of the petitioner may be necessary to unravel the truth and the manner of commission of crime.

Accordingly, the petition is dismissed.

(MANOJ BAJAJ)  
JUDGE

July 05, 2023  
Amandeep

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