

CRM-M-34912-2023

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2023:PHHC:135853

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34912-2023
Date of decision : 18.10.2023

KULDEEP SINGH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Abhishek Sindhvani, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 31.07.2023, the following order was passed :-

Apprehending his arrest in FIR No.473 dated 20.09.2022, registered under Sections 420/467/468/471 IPC at Police Station City Jind, District Jind petitioner seeks pre-arrest bail.

As per the contents of FIR, it has been alleged as under :-

“Office of Municipal Council Jind. From, Executive Officer, Municipal Council Jind. To, Station House Officer, City Prison, Jind. Serial No. Dated:- Subject:- For registration of FIR. On the subject cited above, it is hereby written before your goodself that an application bearing No. 0200550504957 was received in the name of Smt. Murti Devi, in the Municipal Council Jind Office for issuing a New Property I.D. In Sale Deed dated 3531, Khasra No. 977 and 979 have been shown which are situated in the on unauthorized area. On the basis of which, Office of Municipal Council, Jind issued illegal

Property I.D. Applicant again moved an application dated 31.07.2022, bearing No. 0200811996 for change of property category, in which Khasra No. 492 and 493 were shown in Sale Deed No. 3531 dated 13.09.2012, which are totally in the unauthorized area. From the above mentioned facts, it is clear that the applicant has wrongly changed the Khasra Number and Killa Number in her Vasika/Registry and that same Vasika/Registry has been attached with different applications along with different numbers. The same has been done deliberately to show unauthorized area as authorized area by editing Khasra Numbers, which is totally wrong and illegal. Therefore, the applicant has availed the property I.D. in a forged manner and attracts section 420. You are requested to register FIR u/s 420 against Smt. Murti Devi wife of Sh. Hawa Singh son of Sh. Dariya Singh, Village Kungad, Tehsil Bawani Khera, District Bhiwani and other accused persons, for availing Property ID No. 200554321464 in a forged manner. Sd/- Executive Officer, Municipal Council Jind, Dated, Endst. No. 158-59/MCT proceedings.....”

Reply by way of affidavit of Joginder Singh, Deputy Superintendent of Police, Jind-Headquarter, District Jind on behalf of State has been filed. The same is taken on record.

Learned counsel for the petitioner submits that one Murti Devi became owner in possession of land bearing Khasra No.492 & 493 total ad-measuring 0-7 biswas 2 biswasi i.e. 1 kanal 15 Marla 5 sirsai. She further entered into agreement to sell in favour of Mohan Lal vide agreement to sell dated 03.10.2020. As per the procedure an ID has to be created to facilitate registration of sale deed.

The allegation in the FIR is that the petitioner tampered with the khasra numbers and entered the same to be Khasra Nos. 977 and 979 instead of Khasra Nos.492 & 493.

Adjourned to 18.10.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Ram Mehar submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 31.07.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the

accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8. Petition stands disposed off accordingly.

October 18, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No