IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : 06.11.2023

CRM-M-38043-2023

DEEN MOHAMMAD ....Petitioner

Versus

STATE OF HARYANA ....Respondent

CRM-M-42610-2023

MOHD. IMRAN ....Petitioner

Versus

STATE OF HARYANA ....Respondent

CRM-M-54421-2023

USMAN ....Petitioner

Versus

STATE OF HARYANA ....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. H.S. Deol, Advocate and
Ms. Tranum Preet Kaur, Advocate
for the petitioner in CRM-M-38043-2023.

Mr. Shadab Ahmad, Advocate
for the petitioner in CRM-M-42610-2023.

Mr. Imtiyaz Hussain, Advocate
for the petitioner in CRM-M-5441-2023.

Mr. A.K. Sehrawat, DAG, Haryana.

Mr. Jamshed Ahmed, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

By way of present petitions, the petitioners seek pre-arrest bail in FIR No.110 dated 24th of June, 2023 registered for the offences punishable under Sections 420, 467, 468, 471 and 120-B of the IPC, at Police Station Nagina District Nuh (Haryana).

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

> "xxxx That the applicant Sahid, son of Aftab, resident of village Nagina, police station Nagina, district Nuh is a permanent resident and he is a peace loving person. On 21.12.2021, the applicant met Mrs. Sharifan wife Shaukat at Rect. No. 70 Killa No. 15 (8-0), Rect. No. 70, Killa No. 6 (5-15), Bhag Bakadar Area 6 Kanal 17 Marla Land Mauza Nagina, the deal was done for Rs 17,15,000/-, the deed of which was signed by the applicant on 21.12.2021. Whose will number is 1659 dated 21.12.2021. Thereafter the above mentioned agreement was made in favor of the applicant, the above mentioned accused in collusion with each other or in conspiracy with the intention of causing harm to me the applicant or with the intention of benefiting themselves, entered into a fake or anti dated agreement dated 18.02.2022, accused Mohd Imran, after conniving with Computer typist and Stamp Vendor, got the trap ready. The stamp ID number of the said agreement is VAQ2021H59 or GRN No. 80775478. Which has actually been generated on date 17.8.2021 from the mail ID mdimranbasai@gmail.com of Md. Imran Computer typist and Stamp Vendor and in which first party and second party certificate is recorded. Apart from this, the stamp has been issued for some other purpose but later the accused mentioned above has fraudulently updated the above mentioned stamp on dated 18.2.2022 by changing the purpose of the said stamp to an agreement and the said agreement is written in the name of Deen Mohd Which is wrong, fake, anti dated and the result of fraud. 4. That the above accused, in collusion with each other and with the intention of causing harm to me the applicant and with the

intention of benefiting themselves, knowing that Mrs. Sharifan had executed a legal deed of 6 Kanal 17 Marla land in my favor. Despite the fact that the complaint was filed properly, the witness, the stamp vendor and the lawyer have committed fraud by filing this fake agreement in favor of the deceased. 5. That when the applicant came to know about this fake agreement, the applicant investigated at his own level which revealed that the alleged agreement which is shown in the complaint dated 18.2.2022 is actually the stamp on which the complaint was made. It has been shown to be altered whereas in reality this stamp has been generated on date 17.8.2021 and the first party and second party are the same person. Whose name is shown as Kira. The details of purpose are also not shown in this stamp. Later, the accused, in connivance with Mohd Imran or lawyer Mohd Rafiq, on 18.2.2022, by altering the stamp or under forgery, the names of purpose or first party and second party were recorded. The attested copy of which is attached with the application. In this regard, we had given an application in Nagina police station, on which no legal action has been taken till date. Therefore, it is requested that a case should be registered against the above mentioned accused and they should be arrested or strictest legal action should be taken.xxx"

3. The allegations against the present petitioners are to have created an antedated document dated 17th of August, 2021 to defeat sale deed in favour of the complainant dated 21st of December, 2021. The modus operandi that was practiced was w.r.t. antedating stamp-paper which is dated 17th of August, 2021 stated to have been purchased in the name of one Keera. The said Keera is a fictitious person. It is the allegation of the prosecution that on 18th of February, 2022 the said entry was changed from

Keera to Deen Mohd thereby creating a stamp-paper which was in fact purchased on 18th of February, 2022 but purported to have been purchased on 17th of August, 2021.

4. I have heard counsel for the parties and have gone through records of the case.

5. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** the Court while considering his prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

6. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.

7. When present case is viewed from the prism of afore-stated considerations, this Court finds that there is nothing on record to show that the allegations levelled against the petitioners are motivated. As noticed by the Apex Court in the case of '**Pratibha Manchanda & Anr. vs. State of Haryana Criminal Appeal No.1793 of 2023 arising out of SLP (Crl.) No.8146 of 2023,** *decided on* 7th of July, 2023 owing to exponential increase in the properties has led to a separate class of offence wherein

scammers create fake land titles, forged sale deeds and manipulate land records to show false ownership, false possession and encumbrance-free status of the properties. Organized crime networks plan and execute the aforesaid illegal activities resorting to intimidation and threats to force vulnerable individuals to vacate their properties.

8. In the present case in order to defeat and cheat the complainant, the present petitioners in connivance with each other are alleged to have created a forged and fabricated document.

9. Keeping in view the seriousness of the allegations levelled against the petitioners, this Court does not find it to be a case for grant of pre-arrest bail.

10. Accordingly, the petitions are dismissed.

11. A copy of this order be kept on the files of other connected cases.

12. Needless to say nothing observed hereinabove shall be construed as an expression on the merits of the case.

November 06, 2023 **(Pankaj Jain)**
Dpr **Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No