

2023:PHHC:045451

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-57071-2022 (O&M)

(1) Vikas ...Petitioner

Versus

State of Haryana ...Respondent

(2) CRM-M-2812-2023 (O&M)

Ravinder Singh ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision:- 28.3.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Prateek Gupta, Advocate for the petitioner
in CRM-M-57071-2022.

Mr. Vinod Ghai, Senior Advocate with
Mr. Prateek Gupta and Mr. Dushyant Rana, Advocates,
for the petitioner in CRM-M-2812-2023.

Ms. Geeta Sharma, DAG, Haryana and
Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Jai Singh.

Ms. Zaheer Kaur, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Vikas and Ravinder Singh in a case registered vide FIR No.364 dated 7.10.2022 under Sections 201, 420, 467, 468, 471/120-B IPC and

Sections 7, 8 and 13 of the Prevention of Corruption Act, 1988 at Police Station Civil Lines Bhiwani, District Bhiwani.

2. While petitioner Vikas seeks grant of anticipatory bail, the petitioner Ravinder Singh seeks grant of regular bail.
3. The allegations, in nutshell, are that on 1.9.2022 Shri Sumit Nath Attorney/Legal Representative of Baptist Missionary Society Corporation, India (in short hereinafter referred to as 'the BMSC') made a complaint to the Superintendent of Police, Bhiwani alleging therein that one Satish George and his accomplices in connivance with government officials had hatched a criminal conspiracy to dispose of properties owned by the BMSC including a plot measuring 20 kanals 11 marlas situated at Hansi Gate, Bhiwani on the basis of forged and fabricated documents, in favour of Jaljeet Malik and Rajesh Kumar.
4. Pursuant to receipt of the aforesaid complaint, the matter was inquired into by the Additional Superintendent of Police, Bhiwani and the allegations, as levelled by the complainant, were *prima facie* found to be correct and accordingly the FIR in question i.e. FIR No. 364 dated 7.10.2022, Police Station Civil Lines, Bhiwani came to be lodged against more than 9 accused namely Satish George, Jaljeet Malik, Rajesh, Liyakat Khan, Rohit Phogat, Sajjan Verma, Deed Writer, Ombir Lambardar, Vikas Registry Clerk and Ravinder Malik Tehsildar and others.
5. During the course of investigation, resolution dated 17.3.2022 as well as letter dated 17.3.2022 and also letter dated 1.10.2022 vide which Satish George was appointed as President of the BMSC were got verified and it was found that the address of the parties as well as the official address of the

Society were false and that all these documents were forged and fabricated documents. It was on the basis of the said forged and fabricated documents that a sale deed in respect of the property in question was purportedly executed and was said to be got registered in a fraudulent manner. It is further the case of prosecution that although the property is worth more than Rs. 50 crores but was sought to be sold for Rs.1,72,01,625/-. It was further found that while as per the said sale deed dated 5.9.2022, an amount of Rs. 1,72,01,625/- was paid to the Society but as per the complainant, not even a single penny had been credited into the account of the Society and nor any other document was found indicating payment of such amount. The petitioner Vikas at the given point of time was posted as Registry Clerk in Bhiwani.

6. The learned counsel representing the petitioner Vikas for grant of anticipatory bail has submitted that he had no role to play in the alleged fraud and he is merely posted as a Registry Clerk and since the sale deed in question was never registered, it cannot be said that the petitioner Vikas had committed any wrong.
7. The learned counsel, while pressing the case for grant of regular bail to petitioner Ravinder Singh, Tehsildar submitted that on 5.9.2022, he was on leave and it was Alamgeer, Naib Tehsildar, who was on duty and as such, the petitioner cannot be saddled with any responsibility in case any wrong had been committed.
8. Opposing the petitions, the learned State counsel, assisted by counsel for the complainant, submitted that the manner in which the sale deed dated 5.9.2022 was sought to be got registered smacks of the fraudulent intentions

of accused. The learned State counsel has submitted that although the complainant had already submitted complaints to the police as well as to the revenue authorities including Tehsildar expressing his apprehension with regard to the property in question on 3.8.2022 itself but the accused including the revenue officials were bent upon registering the sale deed. The learned State counsel has submitted that though Ravinder Singh, Tehsildar may not be present at the place of occurrence but evidence has been collected to indicate that he had told Naib Tehsildar Alamgeer to register the sale deed. It has further been submitted that when the higher authorities directed not to register the sale deed, the Registry Clerk Vikas very conveniently returned the original sale deed so as to ensure that there is no evidence with regard to the said forgery and fabrication. The learned State counsel has submitted that although the petitioner Vikas claims that the sale deed in question was handed over to one Rishab who had collected the same on behalf of Jaljeet Malik but as of now neither Jaljeet Malik nor Rishab are coming forward to produce the said sale deed. The learned State counsel has further submitted that although the sale deed in the present case was not finally registered but the sequence of facts and circumstances indicate a well orchestrated conspiracy in usurping the land inasmuch as the facts show that the land was originally in the name of Baptist Church Trust Association but the mutation in its favour was got cancelled in a dubious manner and was recorded in favour of the BMSC and thereafter the same was sought to be sold off through one Attorney on the basis of forged and fabricated Attorney in a hurried manner.

9. This Court has considered rival submissions addressed before this Court.

10. A plot measuring 20 kanals 11 marlas recorded to be owned by the Baptist Missionary Society Corporation (BMSC) was sought to be transferred on 5.9.2022 by way of sale deed by Satish George claiming himself to be an Attorney of the BMSC in favour of Jaljeet Malik and Rajesh Kumar. However, upon inquiry, the documents authorizing Satish George, in this regard, were found to be forged. The complainant already had an inkling about likelihood of some dubious transactions and accordingly submitted his complaints through e-mail and to the police as well as to the revenue authorities on 3.8.2022 (Annexure R-2 in CRM-M-57071-2023). During the course of investigation, statement of Naib Tehsildar Alamgeer was recorded wherein he stated that on 5.9.2022, he had received a call around 11 a.m. from Shri Ravinder Malik, Tehsildar and accordingly he went to village Kharak Kalan to execute the auction orders issued by District Court, Bhiwani. After attending to the said duties, he reached back at Tehsil Office, Bhiwani at around 4:15 p.m. He stated that upon reaching back, he found that a complaint had been made by one Mr. Simon, Secretary, BCTA, Bhiwani not to register the sale deed in respect of land comprised in khasra No. 683/2. He (Alamgeer) accordingly handed over the complaint to the Registry Clerk Vikas and told him not to proceed further with the sale deed. However, the Registry Clerk informed him that registry had already been 'executed' and he had marked the same to the Computer Operator. When Alamgeer, Naib Tehsildar questioned Mukesh Sihag, Computer Operator, he replied that the registry has been uploaded online. Alamgeer, Naib Tehsildar further stated that Vikas told him that the registry had been executed pursuant to his conversation with Tehsildar, Shri Ravinder Malik. Alamgeer, Naib Tehsildar did not register the sale-deed and discussed the matter with

Sub-Registrar-cum-Tehsildar Ravinder Malik at about 6 p.m. and later sent all the documents to Registrar-cum-Collector (DC Bhiwani) for further guidance. Vide order dated 30.9.2022 the registration of sale-deed was declined by Naib-Tehsildar.

11. The involvement of the petitioner Vikas is evident from the fact that despite the matter having been highlighted by the complainant and the *hulabaloo* over registration of sale-deed, the accused disregarded the same and attempted to register the sale deed. It was only when Naib Tehsildar Alamgeer put his foot down that the matter was referred to the Registrar-cum-Collector (DC Bhiwani). Still further, despite order dated 30.9.2022 by Naib Tehsildar to the effect that registry being incomplete without signatures is refused and the Registry Clerk was instructed to retain a photocopy and to return the original document to the presenter after obtaining receipt, the same seems to have been handed over to one Rishab very casually, who claims himself to be an authorized agent of Jaljeet Malik. When Rishab joined investigation, he admitted having received the original sale deed on 5.9.2022 from the accused and further stated that he had entrusted the same to Jaljeet Malik. Interestingly, even Jaljeet Malik has not produced the sale-deed though he has approached this Court for issuance of direction to authorities concerned for registration of that very sale-deed dated 5.9.2022, by way of filing CWP-22561-2022, which is pending. The aforesaid facts and circumstances clearly show the involvement of the petitioner Vikas, Registry Clerk and his custodial interrogation is certainly required to unearth the entire *modus operandi*. The petition, as such, on his behalf deserves dismissal.

12. As far as the petitioner Ravinder Singh is concerned, he has been behind bars since the last about 4 months. Challan already stands presented qua him. In these circumstances, further detention of the petitioner Ravinder Singh will not serve any useful purpose. The petition on his behalf, as such is accepted.
13. As a sequel to the discussion made above, while the petition on behalf of Vikas is dismissed, the petition on behalf of Ravinder Singh is accepted and the petitioner Ravinder Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
14. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.
15. A photocopy of this order be placed on the file of connected case.

28.3.2023
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No