

CRM-M-24123-2024
DECIDED ON: 14.05.2024

KANWALJIT SINGH AHLUWALIA
.....**PETITIONER**

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sumeet Bajaj, Advocate and
Ms. Ekta Sharma, Advocate
for the petitioner.

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SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 438 Cr.P.C. has been invoked seeking grant of anticipatory bail to the petitioner in case FIR No. 510, dated 24.12.2023, under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Sohana, District SAS Nagar, Mohali.
2. Learned counsel for the petitioner has contended that the petitioner is running a business of real estate builder and the allegation against him is that he obtained the Change of Land Use (CLU) from Greater Mohali Area Development Authority (GMADA) for the Real Estate Project comprising the land of the complainant and on that account fraud, forgery and cheating has been allegedly committed against the complainant.
3. Notice of motion.
4. At the asking of Court, Mr. Rajiv Verma, DAG, Punjab, who is appearing on advance notice accepts the same and submits that the complainant is

stated to be a General Power of Attorney holder of one Rajmohan Kaur, which is also a forged Attorney and on the basis of same has established Real Estate Project under the name and style of M/s RKM Housing Ltd, of which the petitioner is attributed with the allegation of initiating the said project, which is being used by both of them, meaning thereby, the complainant and the petitioner are hand in gloves with each other. Though at a subsequent stage, a dispute arose between the complainant and the petitioner and the present FIR has been lodged with the allegation of obtaining CLU on the basis of forge documents.

5. On the other hand, Mr. Ashutosh Gupta, Advocate has put in appearance on behalf of the complainant and would submit that the Power of Attorney executed by Rajmohan Kaur is not a forged document. In fact the petitioner has obtained the CLU on the basis of a forged consent letter purported to be given by the complainant.

6. Be that as it may, looking into the totality of the facts, this Court is conveniently of the view that a dispute has arisen out of Real Estate Business between the petitioner and the complainant and the allegation with regard to the forged and fabricated can be tested and examined by leading evidence at an appropriate stage during the course of investigation, thus, the custodial interrogation of the petitioner is not required.

7. In view of the discussions made hereinabove, the present petition is disposed off, with a direction to the petitioner to join the investigation within a period of one week from today. In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall also join the investigation as and when called upon to do so by the Investigating Agency and he

shall also abide by the conditions, as envisaged under Section 438 (2) Cr.P.C. in letter and spirit.

8. Ordered accordingly.
9. However, it is made clear that in case the petitioner fails to join the investigation within a stipulated period, respondent-State would be at liberty to move an appropriate for recalling of this order.

14.05.2024
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>