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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29628-2024
Date of Decision:- 01.10.2024

Yashpal Gera	...	Petitioner
	Vs.	
State of Haryana	...	Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner Yashpal Gera has filed petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 1030 (Annexure P-1) dated 12.10.2018 under Sections 419, 420, 467, 468, 471, 120-B and 201 of IPC, registered at Police Station Central Faridabad, Haryana.
2. As per the facts, a written complaint was filed by Islamuddin for execution of forged sale deed of land in their village Fatehpur Taga. It is alleged that Pushpa Devi, Prince Kumar and Hira Lal, all residents of Charkhi Dadri, Bhiwani and deceased Kishan Lal s/o Mool Chand Khatri had purchased 1/12 share i.e. 11 kanals 18 marlas of land out of 140 kanals 9 marlas of land vide sale deed dated 28.05.1957. However, Mohan Lal and Kamlesh Kumar son of Asha Ram, by giving their address of Delhi impersonated as owners and sold 11 kanals 18 marlas of land to Satya



Prakash Tyagi vide sale deed dated 02.12.2010. Said sale deed was witnessed by Advocate C.S. Sharma, Faridabad and Tayab Hussain. With these allegations, present FIR was registered and investigation was carried out.

3. Learned counsel for petitioner pointed out that he is not named in FIR nor he is the beneficiary. He is being arrayed as accused in this FIR after six years. Challan is presented against five accused persons. A civil suit seeking declaration and permanent injunction is already pending regarding aforesaid forged sale deed dated 02.12.2010, which is Annexure P-5. Copy of said sale deed is Annexure P-2. Present petitioner has no concern with aforesaid transaction and he is ready to join the investigation. Other co-accused named in this case namely Islamuddin and Tayyub Hussain are granted anticipatory bail vide orders dated 19.07.2021 (Annexure P-7) and 18.07.2022 (Annexure P-8) respectively. It is argued that present petitioner was granted interim bail vide order dated 11.06.2024 and he is still ready to abide by its terms and conditions.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. It is argued that in the case in hand, Kishan Lal had expired on 04.08.2006, as per his Death Certificate. Satyaprakash Tyagi managed the aforesaid sale deed in his name in connivance with Sumer Singh and Daulat Ram, who impersonated as Mohan Lal and Kamlesh Kumar. In pursuance of interim bail, present petitioner was formally arrested on 16.07.2024 and was released on bail. As



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per disclosure statement, present petitioner got prepared fake and forged document bearing No. 262/1957 in Urdu language by Ramjaan Patwari. Present petitioner is involved in two other FIRs of similar nature. Therefore, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. It is matter of record that present FIR is pertaining to the year 2018 and now present petitioner is apprehending his arrest. Case of prosecution is based on documents which are already collected. It is also matter of record that co-accused Islamuddin and Tayyub Hussain were granted concession of anticipatory bail. As per status report, investigation is still going on and other co-accused Ramjaan Patwari and Islamuddin alias Pappu are yet to be arrested. As referred above, Islamuddin has been granted anticipatory bail vide order dated 19.07.2021 (Annexure P-7). It cannot be ignored that present petitioner is not the beneficiary nor he is witness to disputed sale deed dated 02.12.2010. He has already joined the investigation. Considering the factual position, *interim* bail already granted in favour of petitioner – Yashpal Gera vide order dated 11.06.2024 stands confirmed, subject to conditions as enshrined under Section 438(2) Cr.P.C.

6. Petition is, accordingly allowed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

01.10.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No