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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.29804 of 2024
Date of decision: 18.07.2024

Pawan Kumar ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sumit S.Bairagi, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Chander Shekhar, Advocate,
for the victim-Jaipal.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 of Cr.P.C. read with Section 482 of Cr.P.C. seeking pre arrest bail in case arising out of FIR No.302 dated 11.05.2024 registered under Sections 419, 420, 467, 468 and 471 of IPC at Police Station Indri, District Karnal.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered

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on the basis of a written complaint filed by the Joint Sub Registrar, Indri, District Karnal on 09.05.2024 alleging therein that the petitioner had got registered a release deed in his favour by impersonating the vendor Jaipal who was infact his real uncle. After registration of FIR, investigation proceedings were initiated and on obtaining copy of the original release deed dated 29.03.2024 and upon checking the same, it transpired that at the time of clicking the photographs of the vendor for registration of release deed in his favour, the present petitioner had produced some person while representing him as his uncle Jaipal as vendor and after taking of the photographs of the said impostor through computer printout, the photographs of the original owner of the land which was the subject matter of the release deed i.e. of Jaipal was affixed. As this fact had come to the notice of the Numberdar who was present at the time of execution of registration of the abovesaid release deed as an attesting witness and who had brought the same to the notice of the office of Sub Registrar, hence the act of cheating as committed by the petitioner had been revealed. The investigation is still underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Karnal vide order dated 29.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, Jaipal who is his real uncle

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had taken money from him for transfer of the property owned by him and had executed release deed dated 29.03.2024 in his favour. He had already made payment of an amount of Rs.50,528.99/- through NEFT to the vendor. This fact has been affirmed by the daughter-in-law of the Jaipal in an affidavit separately sworn by her and placed on record as Anneuxre P-5. He has been dragged into this case due to political rivalry as he is posted at the respectable post of Sarpanch in the village and his uncle has been instigated by the local people to remove him from this post. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and it has been argued by learned State counsel assisted by learned counsel for the victim that there are serious and specific allegations against the petitioner who adopted a unique mode to usurp the property of his uncle Jaipal by getting it transferred in his name by way of execution of release deed by impersonating some person as his uncle i.e. the vendor Jaipal. The photographs which were clicked in the office of Joint Sub Registrar, Indri before registration of the release deed showed the face of some unknown persons on the release deed and this fact has been revealed from the record contained in the computer kept in the office of the Joint Sub Registrar whereas, the photograph of the uncle

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of the petitioner had been affixed on the release deed subsequently and the said release deed has been cancelled and obtained by the investigating agency showing the involvement of the petitioner for adopting a method for registration of release deed qua land of his uncle in his favour in a fraudulent manner. It is submitted that the thorough investigation is required to be conducted in the matter. No extraordinary and sparing circumstance warranting concession of pre arrest bail in favour of the petitioner has been made out. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The allegations as levelled in the FIR are prima facie established from a bare perusal of the photocopies of the release deed in question produced on record as it is revealed that before registration of the release deed, the photographs taken in the office of Sub Registrar Indri showed some other person as vendor whereas at the time of registration, the photographs of the uncle of the petitioner had been affixed which clearly shows the fraudulent intention on the part of the petitioner. It is well settled proposition of law that the powers under Section 438 of Cr.P.C. are to be exercised in extraordinary and sparing circumstances. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal

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cases by the trial Court. Custodial interrogation is required for thorough investigation for the purpose of eliciting the truth as well as the identity of the person who had been planted by the petitioner as the vendor impersonating him his uncle Jaipal. Therefore, finding no ground to allow the petition, the same is dismissed.

18.07.2024

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No