



104

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

CRM-M-56643-2024

Date of Decision: November 14, 2024

Sunil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Raj Kumar, Advocate,for the petitioner.

Mr.Sumit Jain, Additional Advocate General, Haryana.

.....

RAJESH BHARDWAJ, J.(ORAL)

1. The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.395 dated 23.09.2021, registered under Sections 420, 467, 468, 471 IPC and 120-B IPC (added later on) at Police Station Kalanaur, District Rohtak.

2. Succinctly, facts of the case are that FIR in the present case has been lodged by Tehsildar-cum-Sub Registrar, Madan Lal. It was alleged that one Rajesh Kumar son of late Chiman Lal has lodged a complaint that Atma Ram son of Gopal Dass as owner of the land, sold the land measuring 7 kanal 11 marla through sale deed No.614, dated 16.06.2021 for Rs.10.00 lakhs to Mrs.Sunita wife of Gulshan. However, Instead of Atma Ram some other person by impersonating Atma Ram, has got the sale deed registered by getting the Aadhar card of Atma Ram forged in an illegal manner. As per Office record, it was found from the statements of the witnesses that they



about him. Thus, the transaction having been found totally doubtful, FIR was lodged to take the legal action against the culprits. During investigation complicity of the petitioner also surfaced and thus he was arrayed as an accused in the FIR. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Rohtak, for grant of anticipatory bail, however, after hearing both the sides, the Court declined the same vide order dated 11.10.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner has no concern with the sale deed No.614 and there are no allegations levelled against him in the FIR. He submits that the petitioner has been roped in the present case on the basis of criminal conspiracy but there is no evidence regarding the same. He submits that the investigating Agency has completed the investigation and challan has been presented in this case and there being no recovery to be made from the petitioner, he deserves to be granted concession of anticipatory bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is the beneficiary of the property sold. He submits that custodial interrogation of the petitioner is required for bringing out the truth, however, he is avoiding his arrest. It is submitted that investigation is complete qua rest of the accused, who were arrested and not against the petitioner and hence there being no ground to grant anticipatory bail to the petitioner, the same be



dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that FIR in the present case was got registered by Madan Lal, Tehsildar-cum-Sub Registrar, Kalanaur, on the complaint made by one Rajesh Kumar in his Office. During investigation, it is found that the petitioner is the part of conspiracy of cheating and forgery of sale deed. Land measuring 7 kanal and 11 marla was sold out for a consideration of Rs.10.00 lakhs in favour of Sunita. One of the accused impersonated as Atma Ram and the transaction was made by submitting forged documents pertaining to Atma Ram. Thus, it is apparent that free and fair investigation is essential to unravel the mystery in the present case.

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has



to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie established. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

10. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

November 14, 2024
meenuss

(RAJESH BHARDWAJ)
JUDGE

- | | |
|--------------------------------|--------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |