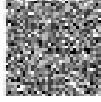


2025.PHHG:011161



104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4254-2025
DECIDED ON: 27.01.2025

JOGINDER PAL BABBAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Navneet Jindal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.503, dated 05.08.2024, under Sections 120-B, 419, 420, 467, 468, 471 of IPC, 1860, registered at Police Station Ballabgarh City, District Faridabad.

2. Brief facts of the case as per the version in the FIR as under:-

“From the contents of the FIR; submissions made by the concerned Investigating Officer and his reply submitted, in lieu, of the application in hand, it was noted that the complainant was found to have claimed himself, to be owner of the aforesaid plots, at Faridabad, on the basis of certain documents executed in his favour by his real brother Mangat Lal Babbar, who had allegedly purchased the same from P. Shankar. However, as per the contents of the own complaint/FIR of the complainant Jogender Pal Babbar (herein, the applicant/accused), the above referred

vendor/owner P.Shankar, was some fake person, who had already expired on 26.11.2015. Hence, the chain of sale of the aforesaid plots, from whom the brother, namely Mangat Lal Babbar of the applicant, had purchased the aforesaid plots and, from whom the applicant had purchased further, for a sale consideration, has not been prima-facie proved, to be genuine by the applicant/complainant, himself, for the reason with which, he has been arrayed as accused by the concerned I.O. in the present case. To the contrary, Sunaina Mishra was found to be recorded as owner of the aforesaid property as per records maintained at Municipal Corporation, Faridabad. It was also not to be forgotten and relevant to note that the authorized signatory/representative of DLF, at New Delhi had stated to the concerned Investigating Officer regarding the aforesaid plots, that the same had never been sold, to anyone since the Company had already handed over the Colony, to the Government way back in the year 1984. That the Company had also not executed any sale Deed dated 14.09.1983. The DLF had further stated that the aforesaid Sale Deed was forged, fabricated and fake.”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been named as an accused solely on the allegation that a death certificate of one P. Shankar, showing his age as 65 years, was produced by a person whom the petitioner was accompanying. The prosecution's case is that the actual age of the deceased, P. Shankar, was 45 years, and on this basis, the petitioner is alleged to have produced a fraudulent and fabricated death certificate with the intent to derive an undue advantage. However, the petitioner neither directly nor indirectly stands to benefit from this alleged act.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He submits that one sale deed dated 14.09.1983 (Annexure P-3) was executed by DLF Universal Limited in favour of Sh. P.Shankar, whose death certificate has been produced by Bunty to whom the petitioner was accompanying. The plot in question was sold to the brother of the petitioner, who executed GPA/agreement to sell/will on 16.12.1985 (Annexure P-4) in favour of Mangat Lal Babbar, brother of the petitioner.

When confronted with the fact that the present FIR, registered on 05.08.2024, pertains to offenses under the IPC provisions that were not in effect on that date, as the new BNS Act came into force on 01.07.2024, Mr. Baljinder Singh Virk, Senior Deputy Advocate General, Haryana, attempted to justify the registration of the FIR under the previous IPC provisions. He contended that the complaint was filed prior to the enactment of the new law and was still pending at the time the FIR was registered.

4. Analysis

Be that as it may, without going further into the aspect of wrong provisions of criminal law having been incorporated in the instant FIR, this Court is of the considered view that the custodial interrogation of the petitioner is not required. By and large the investigation would revolve around documentary evidence i.e., sale deed, death certificate and documents pertaining to the title of plot in question, which otherwise have already been available with the Investigating Agency, as were made available by the petitioner himself.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.01.2025

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No