

(2011) 11 P&H CK 0179

High Court Of Punjab And Haryana At Chandigarh

Case No: Case No. : Criminal Miscellaneous No. M-32441 of 2011

Farookh Khan

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Nov. 8, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 420

Hon'ble Judges: L. N. Mittal, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

L. N. Mittal, J.

Accused Farookh Khan has filed this petition for anticipatory bail in case FIR No.193 dated 09.05.2011 (Annexure P-1), u/s 420 of the Indian Penal Code, registered at Police Station Sector 55, District Faridabad.

2. I have heard learned counsel for the parties and perused the case file.

3. According to the prosecution version, petitioner's co-accused Sardar had sold his land vide sale deed dated 05.06.2007 and again agreed to sell the same land to complainant Mabarik vide agreement dated 09.03.2010 and received Rs.8,30,000/- from the complainant. The petitioner is witness to the sale deed dated 05.06.2007 as well as agreement dated 09.03.2010. In addition to it, the petitioner allegedly forged an agreement dated 22.02.2008 in his favour, allegedly executed by Sardar, by purchasing stamp paper for the said agreement on 05.03.2010 and by changing the date on the endorsement of the stamp vendor.

4. Learned counsel for the petitioner vehemently contended that the petitioner, on 09.03.2010, cancelled his agreement dated 22.02.2008 after receiving entire money from Sardar, and therefore, petitioner has no role in the alleged fraud.

5. I have carefully considered the contention, which cannot be accepted at this stage. The petitioner is witness to sale deed dated 05.06.2007, vide which the land in question was sold by Sardar, but the petitioner again is witness to agreement dated 09.03.2010 for sale of the same land by Sardar to complainant, who was made to pay Rs.8,30,000/-to Sardar. In addition to it, the petitioner allegedly forged agreement dated 22.02.2008 in his favour by purchasing stamp paper on 05.03.2010 and by forging the date thereon as 22.02.2008.

6. In view of the aforesaid serious allegations against the petitioner, I do not find it to be a fit case to extend the concession of anticipatory bail to the petitioner.

7. Dismissed, without meaning to express any opinion on merits of the case.