



CRM-M-62531-2024

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

CRM-M-62531-2024

Date of Decision: 28.05.2025

Rajesh Agnihotri

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Bipan Ghai, Senior Advocate with
 Mr. P.S. Paul, Advocate, for the petitioner.
 Mr.Raj Karan Singh, AAG, Punjab.
 Mr. Akshay Chadha, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.135 dated 27.07.2020 under Section 420, 465, 467, 468, 471, 120-B IPC, 1959 registered at Police Station Nurpur Bedi, District Rupnagar.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Shiv Kumar. It was alleged that his father Onkar Singh took a friendly loan of Rs.3 lacs from Vijay Kumar against which he took power of attorney from his father. The amount alongwith interest accrued to Rs.5,16,000/- and for the same, Vijay Kumar demanded 67 acres of their land. His father agreed and thus, Vijay Kumar alongwith Amit Chetan got the agreement to sell in the name of third person. Accordingly, the loan taken was cleared. His father died in the year 2003. Accused Amit Chetan and Vijay Kumar requested the complainant for giving them power of attorney and thus, he gave them power of attorney. However, thereafter, the complainant came to know that his whole property



had been attached by the order of DRT, Chandigarh. But his father had never taken any loan or stood guarantor to any loan. On enquiring, the complainant came to know that all the accused in connivance with each other had availed loan by making forged documents. They forged the signature of the complainant's father. Thus, he found to have been cheated by all the accused and hence, made a request to take legal action against all the accused involved. On the registration of the FIR, the investigation commenced. The petitioner was also alleged to be part of the conspiracy and thus, he was arrested on 12.10.2024. The petitioner approached the Court of learned Sessions Judge, Rupnagar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 06.11.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned Senior counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that from the bare reading of the allegations made in the FIR, it is apparent that the dispute, if at all is totally of civil nature, which has been given criminal colour only in order to extract more money from the petitioner. He submits that from the allegations made in the FIR, the occurrence was taken place way back in the year 2003, whereas, the present FIR has been lodged in the present case on 27.07.2020. Massive delay in lodging the FIR in itself shows that the same has been filed in a premeditated manner. He submits that on the same cause of action, FIR No.71 was filed by the CBI in the year 2008 and the petitioner was granted



anticipatory bail in the same and thus, he duly joined the investigation. It is submitted that during the life time of father of the complainant, he never raised any allegations regarding the alleged forgery as made in the FIR and thus, the present FIR was lodged only to harass the petitioner. He submits that after the death of father of the complainant on 26.11.2003, when whole of the property was transferred in the name of the complainant, a new GPA was executed by the complainant in the name of Shiv Kumar son of Perma Nand and the petitioner on 11.12.2003. He submits that father of the complainant firstly executed GPA in the year 2002 in favour of the Vijay Kumar and Amit Kumar and after the death of father of the complainant, the complainant further executed GPA in favour of Shiv Kumar son of Perma Nand and the petitioner in the year 2003 in respect of the same property. He submits that Vijay Kumar and Shiv Kumar son of Perma Nand had approached this Court for the grant of anticipatory bail and had been granted the concession of anticipatory bail vide order dated 01.09.2021. It is submitted that the petitioner is behind bars since 12.10.2024 and the investigation is complete and charges are framed. He further submits that the petitioner is on better footing than co-accused, who is already granted anticipatory bail. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. It has been submitted that the petitioner in connivance with the co-accused has duped the complainant. It is submitted that GPA has been forged by the petitioner in connivance with co-accused and thus, the complainant has been cheated by



the petitioner and the co-accused. He submits that offence committed by the petitioner is grave in nature and thus, he does not deserve the concession of bail.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation admitted signatures of complainant's father Onkar Singh were obtained and subsequently sent to the FSL. No involvement of accused Vijay Kumar and Amit Chetan in the commission of offence was found and accordingly, they were declared innocent. However, offence against the petitioner and Shiv Kumar stood proved during the investigation and thus, challan under Section 173 Cr.P.C. has been filed. He submits that information regarding the FIR registered by the CBI was not brought to the notice of the Investigating Agency in the present case. He submits that there are serious allegations against the petitioner regarding forgery of signatures of complainant's father and thus, in view of the facts and circumstances of the case, no case for grant of bail is made out.

6. After hearing counsel for the parties and perusing the record, it is inferred that FIR in the present case was registered by the complainant, namely, Shiv Kumar. As per the allegations, father of the complainant Omkar Singh had availed a loan of Rs.3 lacs from Vijay Kumar. After the death of complainant's father in the year 2003, GPA had been issued in the year 2003, whereas, the FIR ,has been lodged in the year 2020. There is one more FIR i.e. FIR No.71 of 2008 registered in this case. As submitted by learned Senior Counsel, the petitioner and the co-accused in that FIR had joined the investigation as well. In the present case also the investigation is



complete and challan has been presented. Co-accused are on anticipatory bail. It is also evident that the petitioner is behind bars since the date of his arrest.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned Senior counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.05.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No