

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

CRM-M No.17239 of 2015.

Date of Decision: July 03, 2015.

Mangal Singh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.28 dated 20.02.2015 under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Guruharsahai.

The First Information Report in the instant case was registered on the statement of Dalpat Singh son of Dayal Ram, resident of Sohargarh, District Ferozepur. He stated that Harbans Singh son of Tula Ram and

Mangal Singh son of Mohinder Singh (petitioner) in connivance with each other had forged a Jamabandi and on the basis of the said forged documents had executed mortgage deed bearing vasika No.1132 dated 20.06.2012 in his favour and in favour of his son Angrej Singh in respect of land measuring 49 Kanals, situated in village Issa Panj Garain for a consideration of Rs.10 lacs.

Heard the submissions made by Mr. Raman Goklaney, learned counsel representing the petitioner and Mr. Ashish Sanghi, learned Deputy Advocate General, representing the State of Punjab.

Learned counsel for the petitioner argued that the forged document, if any, was prepared by Harbans Singh and not by the petitioner. After registration of the case, the complainant had entered into a compromise in compliance of which the total consideration amount was given to Dayal Singh son of Mangal Singh for being handed over to the complainant. Moreso, the complaint with regard to forgery etc. was lodged by the complainant after a lapse of two and half years from the date of execution of the document. Subsequent to it, the complainant had entered into the compromise and had backed out from the same, therefore, it is he who is actually guilty of cheating the petitioner.

Submitting that nothing is to be recovered from the petitioner, learned counsel prayed for his release on anticipatory bail.

Learned State counsel strongly opposed the application. He submitted that the major portion of the land in respect of which the petitioner had forged the Jamabandi was owned by Central Government.

The mortgage deed had been executed by taking huge money which is yet to be recovered.

Prima facie in the First Information Report there is specific allegation against the petitioner that he and his co-accused Harbans Singh had prepared a forged Jamabandi and on the basis of the same had executed the alleged mortgage deed in favour of the complainant and his son by taking huge money. The land was owned by Central Government. In other words, it is to grab the land of the Government that the petitioner not only forged the Jamabandi but also mortgaged the same.

In view of said facts and circumstances and without going into merits, I am of the considered opinion, thorough investigation to unveil the real facts is necessary and for that custodial interrogation of the petitioner is required. Thus, least any expression above may prejudice the case of either side, finding no ground for granting anticipatory bail to the petitioner, his petition is dismissed.

(SNEH PRASHAR)
JUDGE

July 03, 2015
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