

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-1811 of 2015

Date of Decision: February 26, 2015

Harmesh Kumar

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Nikhil K. Chopra, Deputy Advocate General, Punjab.

Ms. G.K. Mann, Advocate for the complainant.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Learned State counsel, on instructions from ASI Bhupinder Singh, states that the petitioner has joined the investigation. Regarding the original cancelled power of attorney, it is stated that after the cancellation of the same, it was returned to the Principal, namely, Sukhdev Singh.

The allegations in this case are that Sukhdev Singh had executed a general power of attorney in the year 2003 in favour of the present petitioner. The power of attorney was executed in Canada and sent to India and got embossed from the office of the Commissioner. The said power of attorney was cancelled in the year 2008.

The allegations against the petitioners are that he sold three marlas of land vide sale deed dated 29.10.2007 on the basis of said power of attorney, which was in force at the said time. The further allegations are that the power of attorney pertains to land, situated in village Nawanpind Naicha, District Jalandhar only and that before the words 'Punjab State' word '&' was added by the petitioner making it applicable to the property in the entire State of Punjab. The complaint was lodged in the year 2014 i.e. seven years after the said sale deed and six years after the cancellation of the power of attorney.

Learned counsel for the petitioner has pleaded that the parties were partners in the cold storage business, in which dispute arose and matter was referred to the Arbitrator. In the year 2011, the Arbitrator decided the matter in favour of the petitioner. Therefore, the present complaint was lodged to put pressure on the petitioner to submit to the wishes of the complainant.

In this case, a sale deed was executed in the year 2007. Thereafter, the general power of attorney was cancelled in the year 2008, stating that the Principal had lost faith in the present petitioner, which shows that apparently, the Principal had some suspicion about the present petitioner. However, till the year 2014, no complaint was made for full six years. The allegations are of inserting word '&' after the name of the village. The stand of the petitioner is that after the

cancellation of the power of attorney, it was handed over to the complainant, which is denied by him. The police had already taken into possession the copy of the said power of attorney from the Commissioner's office, where it was embossed.

Therefore, it is entitled to use as secondary evidence for the purpose of investigation and to arrive at a conclusion. The petitioner has been thoroughly interrogated. The land involved is only three marlas.

Keeping in view the entirety of the facts and circumstances, the interim bail granted to the petitioner by this Court, vide order dated 19.01.2015, is made absolute with a direction that whenever the petitioner is required for further investigation, he shall join the further investigation and cooperate in the same.

The present petition is allowed accordingly.

February 26, 2015
sarita

(KULDIP SINGH)
JUDGE