

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-224 of 2015

Date of Decision: May 12, 2015

Harkabir Singh Saluja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Navkiran Singh, Advocate for the petitioner.

Mr.NK Chopra, Deputy Advocate General, Punjab.

Mr.Manoj Bajaj, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure praying for grant of anticipatory bail to the petitioner in case FIR No. 1 dated 8.1.2014, under Sections 420/465/467/471/474 of the Indian Penal Code registered at Police Station NRI, Ludhiana City.

Mr.Navkiran Singh, learned counsel appearing for the petitioner, would contend that the petitioner has been falsely implicated and the allegations contained in the FIR registered on the complaint of brother of the petitioner, namely, Navtej Singh Saluja as regards Plot No.87-D, Bhai Randhir Singh Nagar, Ludhiana having been sold to Gobinder Kaur and Jatinder Singh

on the basis of forged special power of attorney are totally unfounded. It is submitted that the property in question never existed in the name of the complainant. As per version advanced on behalf of the petitioner, his father, namely, Shri Madan Singh Saluja had given a loan to his acquaintance, namely, Shri Sunder Lal i.e. the original owner of the property in question. On account of the loan having not been re-paid, Sunder Lal had agreed to hand over the possession of the property to father of the petitioner and had assured to execute general power of attorney/special power of attorney in favour of Madan Singh Saluja or his legal representatives/legal heirs. It is further contended that since Madan Singh Saluja, at the relevant point of time, was busy in his business in Jharkhand/Bihar as also Madhya Pradesh and one Shri Surinder Singh i.e. his relative, was residing in Ludhiana, accordingly, Sunder Lal, original owner, in furtherance of the assurance furnished, had executed a power of attorney in favour of Surinder Singh on 15.10.1986. Such general power of attorney had been handed over by Surinder Singh to Madan Singh Saluja. Madan Singh Saluja is stated to have died on 2.7.1997 and even his wife Mrs.Dalip Kaur Saluja i.e. mother of the petitioner, expired on 17.12.2004. It is contended that after the demise of the parents and in pursuance to a unanimous consensus having been arrived among the family members, Surinder Singh was called upon to execute a special power of attorney in favour of the petitioner. It is against such backdrop, learned counsel contends that the special power of attorney pertaining to Plot No.87-D, Bhai Randhir Singh Nagar, Ludhiana

was duly executed by Surinder Singh in favour of Harkabir Singh Saluja i.e. the present petitioner at Ranchi on 12.4.2007.

It is also the specific case of the petitioner that to facilitate the sale of such property, it had come to his knowledge that a verification letter of the registered special power of attorney from District Sub Registrar, Ranchi was required and, accordingly, a verification letter dated 26.8.2013, Annexure P5, pertaining to the special power of attorney in favour of the petitioner carrying the seal and signature of District Sub registrar, Ranchi had been duly produced before the Sub Registrar, Ludhiana West and only thereafter the sale-deed was executed in favour of Shri Jatinder Singh and Mrs.Gobinder Kaur based on the special power of attorney as also verification letter dated 26.8.2013.

Learned counsel would vehemently contend that the petitioner is not even a beneficiary under the transaction and in any case having joined investigation in pursuance to the order dated 7.1.2015 passed by this Court, he would be entitled to the concession of anticipatory bail.

Per contra, learned State counsel as also learned counsel appearing for the complainant would vehemently oppose the prayer made in the application by submitting that the sale of the property in question has been effected on the basis of forged and false documents.

Learned counsel for the parties have been heard.

It may be noticed that at the stage of issuing notice of motion in the present petition i.e. on 7.1.2015, the factum of the

present petitioner and the complainant being real brothers had weighed with this Court and it was deemed appropriate to grant a fair opportunity so as to amicably resolve the issue. Interim protection as regards arrest had been granted subject to the petitioner joining investigation as also furnishing a bank draft of ₹10 lacs in the name of the complainant.

The bank draft of ₹10 lacs has since been furnished by the petitioner.

During the course of hearing today, learned State counsel has apprised the Court that during the course of investigation at the hands of SHO, Police Station NRI, Ludhiana (Punjab), verification was got done from the office of the District Sub Registrar, Ranchi, whereupon it has come to light that the special power of attorney dated 12.4.2007 in favour of the petitioner as also the verification letter dated 26.8.2013 have been found to be fake. The requisite letter bearing No.952 dated 23.11.2013, in original, issued by the District Sub Registrar, Ranchi has been perused by this Court and the same reads as under:

"Letter No. 952 Dated 23.11.2013

From

*District Sub Registrar,
Ranchi.*

To

*S.H.O.
P.S.N.R.I.,
Ludhiana (Punjab)*

*Sub: Verification of Power of Attorney No.-
26480/3782, dated 12.04.2007 and letter No.-120(i),
dated 26.8.13.*

Sir,

With reference to your letter No.205-5-A/P.S. N.R.I.L.D.H., Dated 14-11-13, I have to inform that the attached special Power of Attorney No.-26480/3782, Dated 12.04.2007 and Letter No.-120(i), Dated 26.08.2013 alleged to have been issued by this office are both fake.

Yours faithfully,

*Sd/-
District Sub Registrar,
Ranchi."*

The allegations against the petitioner are serious in nature. The property in question i.e. Plot No.87-D, Bhai Randhir Singh Nagar, Ludhiana has been sold by the petitioner on the strength of a special power of attorney which the investigating agency has found to be fake. Furthermore, even the verification letter dated 26.8.2013 pertaining to the special power of attorney and having been produced before the Sub Registrar, Ludhiana West to facilitate the registration of the sale-deed of the property in question has been found to be fake as per the contents of the letter issued by the District Sub Registrar, Ranchi and as reproduced hereinabove.

Under such circumstances, custodial interrogation of the petitioner may be warranted so as to unravel the truth as regards setting up of documents which even carried the seals of the Office of the District Sub Registrar, Ranchi and which apparently have been found to be forged.

In the totality of circumstances, this Court is of the

considered view that the petitioner is not entitled to the concession of pre-arrest bail.

The petition is, accordingly, dismissed.

It is, however, directed that the bank draft of ₹10 lacs furnished by the petitioner be returned to him.

Dismissed.

May 12, 2015

SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether referred to Reporter? (Yes/No)