

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

Criminal Misc.No. M-245 of 2015

Date of Decision:-15.1.2015

Jagjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR

Present:- Mr.Sarjtej Singh Narula, Advocate for the petitioner.

Mr.Gurinder Jit Singh, DAG Punjab for the State.

Mr.Amit Saini, Advocate for the complainant.

Mehinder Singh Sullar, J. (Oral)

As is evident from the record that the earlier 1st petition for regular bail, bearing CRM No.M-19422 of 2014 filed by the petitioner in this very case, was dismissed as withdrawn, vide order dated 11.8.2014 (Annexure P12) by this Court.

2. Tersely, the facts & material, which need a necessary mention for the limited purpose of deciding the instant 2nd petition for bail filed by petitioner Jagjit Singh s/o Hira Singh (main accused) and emanating from the record, as claimed by the prosecution, are that Gurmail Singh (retired Lecturer) and Gurdev Singh (retired Headmaster), sons of Hari Singh, were the owners and in possession of the land in dispute. After their retirement,

they settled in USA. After the death of Gurmail Singh, his son complainant Gurinder Singh Garcha (for brevity “the complainant”), his mother and sister, inherited his property in equal shares as per natural succession. In this manner, they became absolute owners and in possession of the land in question. According to the complainant, the petitioner with the connivance of his other co-accused, has cheated them, prepared the forged and fabricated sale deed dated 16.3.2010, purported to have been executed by Gurmail Singh (deceased). Not only that, the accused have also prepared another fake and fabricated sale deed dated 22.3.2010, pertaining to the joint land of late Gurmail Singh & Gurdev Singh and illegally transferred their property, worth crores of rupees, by impersonation and forging their signatures.

3. Leveling a variety of allegations and narrating the sequence of events, in detail in the FIR, in all, the complainant claimed that the petitioner, who is main accused, has hatched a criminal conspiracy with his other co-accused, cheated them, prepared the forged documents/pointed sale deeds in respect of the land of late Gurmail Singh and Gurdev Singh, predecessors-in-interest of complainant and other owners. In this manner, the accused committed forgery and fraudulently got transferred the valuable property of the complainant and other owners in his own names by impersonating and forging their signatures, for the purpose of cheating. They prepared and used the fake and fabricated documents as genuine, knowingly well that the same are forged. In the background of these allegations and in the wake of complaint of the complainant, the present criminal case was registered against the petitioner (main accused) and his other co-accused, vide FIR No.265 dated 15.9.2013, on accusation of

having committed the offences punishable under sections 419, 420, 465, 467, 468, 471 and 120-B IPC by the police of Police Station Focal Point, Ludhiana.

4. Having exercised his right of bail and remained unsuccessful before Additional Sessions Judge, now the petitioner has preferred the instant 2nd petition for the grant of concession of regular bail in the same very criminal case in this Court.

5. Notice of the petition was issued to the State.

6. Having heard the learned counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the entire matter, to my mind, there is no merit in the present 2nd petition for regular bail as well in this context.

7. Ex facie the argument of learned counsel that since the petitioner has been falsely implicated by the complainant in this case, so, he is entitled to the benefit of regular bail, is neither tenable nor the observations of Hon'ble Apex Court in case Md Ibrahim & Ors. v. State of Bihar & Anr. **2009(4) RCR (Criminal) 369** are at all applicable to the facts of this case, wherein, it was observed that, to constitute the offence u/s 420 IPC, there should not only be cheating, but as a consequence of such cheating, the accused should have dishonestly induced the person deceived, to deliver any property to any person, or to make, alter or destroy wholly or in part a valuable security.

8. Possibly, no one can dispute with regard to the aforesaid observations, but to me, the same would not come to the rescue of the present petitioner in the instant controversy at this stage, for the reasons mentioned here-in-below.

9. As is evident from the record that very direct and serious allegations are assigned to the petitioner that he has hatched a criminal conspiracy with his other co-accused, cheated the complainant & other owners, prepared and used the fake & fabricated documents/sale deeds as genuine, knowingly well that the same are forged and got transferred the valuable land in dispute, worth crores of rupees in his own name by impersonating and forging the signatures of late Gurmail Singh and Gurdev Singh, who were residing in USA, in the manner depicted here-in-above. Meaning thereby, all the essential ingredients of pointed offences are complete. Prima facie, there is ample oral as well as documentary evidence on record to prove the complicity of the petitioner in the instant criminal case.

10. Therefore, to my mind, in case, the petitioner is granted the concession of regular bail, then, the possibility of his influencing the prosecution witnesses, tampering with the evidence and fleeing from justice, cannot be ruled out. Moreover, it cannot possibly be denied that the tendency and frequency of cheating NRIs by preparing the forged and fabricated documents by such accused in order to deprive them from their valuable properties, have been tremendously increasing day by day, which need to be curbed with heavy hands.

11. Sequel, no motive could possibly be attributed either to the complainant or to the police as to why they would falsely implicate the petitioner in the present case of heinous offences, as contrary urged on his behalf.

12. Therefore, taking into consideration the seriousness of the allegations of indicated heinous offences and the fact that the petitioner is

the main accused, to me, he is not at all entitled to the concession of regular bail in the obtaining circumstances of the case.

13. No other point, worth consideration, has either been urged or pressed by the learned counsel for the parties.

14. In the light of aforesaid reasons and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the main case, as there is no merit, therefore, the instant 2nd petition for regular bail filed by the petitioner is hereby dismissed as well as such.

15. Needless to mention that nothing observed, here-in-above, would reflect on the merits of the main case in the trial, in any manner, as the same has been so recorded for a limited purpose of deciding the present 2nd petition for regular bail only.

At the same time, the trial Court is directed to take effective steps for expeditious trial of the main case.

15.1.2015
AS

(MEHINDER SINGH SULLAR)
JUDGE