

CRM-M-29626-2014 (O&M)

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

Decided on: December 14, 2015.

(1) CRM-M-29626-2014 (O&M).

Sewak Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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(2) CRM-M-32952-2014 (O&M).

Kirpal Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

(3) CRM-M-37669-2014 (O&M).

Saroop Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.D.S.Gurna, Advocate,
for the petitioner in CRM-M-29626-2014.**

**Mr.A.P.S.Deol, Sr. Advocate, with
Mr. Davinder Bir Singh, Advocate,
for the petitioner in CRM-M-32952-2014.**

**Mr.A.K.Walia, Advocate,
for the petitioner in CRM-M-37669-2014**

Ms.Harpreet Kaur Athwal, DAG., Punjab.

**Mr.Parminder Singh, Advocate,
for the complainant in all the three petitions.**

M.M.S. BEDI, J.

This order will dispose of the above noted three petitions filed for the grant of pre-arrest bail.

The FIR was registered at the instance of Hardial Singh Dhillon claiming himself to be a general power of attorney holder of heirs of Mehar Singh. As per the allegations in the FIR registered on the basis of complaint addressed to the ASP, NRI Wing, Bathinda, Mehar Singh who has three sons Malwinder Singh, Harwinder Singh and Kulbir Singh was resident of England. He was having land in village Pakhar. He was owner to the extent of ¼th share out of total land measuring 274 kanals and 3 marlas and was residing at Malaysia. He died on 4.2.1993 at Malaysia. After his death mutation No.11313 was entered on 22.6.2004, in the name of three sons of Mehar Singh namely Kulbir Singh, Malwinder Singh and Harwinder Singh.

Sewak Singh, petitioner, entered a rapat No.131

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dated 13.11.2004, at the instance of Kirpal Singh by showing Mehar Singh having died issueless and entered mutation No.11403 in the name of Kirpal Singh and Mohinder Kaur, children of one of the brother and sister of Mehar Singh on 5.12.2004. The said mutation was accepted on 28.1.2005. The pedigree-table with regard to this mutation was signed and thumb marked by Numberdar, Saroop Singh. Mutation No.11313 dated 22.6.2004 was submitted in the office of Tehsildar, Talwandi Sabo and Mutation No.11403 along with accepted mutation was deposited in Tehsil office on 24.3.2005.

In view of said circumstances, an effort has been made to usurp the land of Mehar Singh, an NRI, in connivance with Saroop Singh, Numberdar.

Kirpal Singh, brother of Mehar Singh is adamant not to give the property back to the natural heirs on the representation by their general power of attorney holder. Kirpal Singh is the real brother of Mehar Singh. He claims that Mehar Singh had died issueless and that the complaint has been filed by alleged general power of attorney holder of Kulbir Singh, Harwinder Singh and Malwinder Singh.

Mr.A.P.S.Deol, learned senior Advocate, appearing on behalf of Kirpal Singh petitioner has submitted that Kulbir Singh is a non-existent person and an attempt is being made to grab the property of the petitioner after death of his brother.

So far as petitioner Sewak Singh is concerned, he is

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Patwari and is alleged to have connived with Kirpal Singh and Mohinder Kaur to grab the property of NRI Mehar Singh. He is alleged to have removed the record of earlier sanctioned mutation No.11313 in favour of original heirs and has entered the fabricated mutation No.11403 by showing that Mehar Singh is heirless. He allegedly fabricated the pedigree-table.

So far as petitioner Saroop Singh is concerned, he is an attesting witness to the pedigree-table prepared for sanction of forged mutation.

I have heard the counsel for the petitioners and gone through the police record. In order to appreciate whether Mehar Singh had left any heir after his death, it is pertinent to mention that Kulbir Singh son of Mehar Singh is resident of Malaysia, as per the copy of his passport. The statements under Section 161 Cr.P.C. of Kulbir Singh, Malwinder Singh and Harwinder Singh have been recorded during the course of investigation.

So far as petitioner Kirpal Singh is concerned, he is brother of Mehar Singh. He is beneficiary of the manipulations of the revenue record. He is the one who along with Mohinder Kaur stands entered as heir of Mehar Singh by mutation No.11403, superseding the earlier mutation No.11313, in favour of three sons of Mehar Singh and has made an attempt by tampering with the revenue record with the assistance of Numberdar etc., to grab the property of Mehar Singh. He has even gone to the extent of taking up the plea that Mehar Singh died without any heir whereas, prima facie, Kulbir

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Singh, Malwinder Singh and Harwinder Singh residents of London are the sons of Mehar Singh.

No ground is made out to grant the concession of pre-arrest bail to Kirpal Singh on account of he having grabbed the property of Mehar Singh after his death.

So far as petitioner Saroop Singh is concerned, he is a Numberdar, who is attesting witness to the pedigree table prepared for sanction of the mutation. His active participation and involvement would dis-entitle him to seek the concession of pre-arrest bail.

So far as petitioner Sewak Singh is concerned, he had allegedly connived with Kirpal Singh and Mohinder Kaur with an intention to grab the property of NRI Mehar Singh by superseding the earlier mutation, in their favour. Said petitioner, no doubt is a government employee but he has committed glaring illegality by conniving with the beneficiaries and entered mutation No.11403, superseding earlier mutation No.11313. He is also not entitled to the concession of pre-arrest bail.

In view of what has been discussed above, all the above said three petitions for the grant of pre-arrest bail are dismissed without prejudice to their rights to seek the concession of regular bail.

December 14, 2015.
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(M.M.S. BEDI)
JUDGE