

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6412-2015

Date of decision: 17.08.2015

Sukhdev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Aman Pal, Advocate for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 06 dated 19.01.2015 registered under Sections 420/467/468 of the Indian Penal Code at Police Station Payal, District Ludhiana.

When this case was listed on 20.04.2015, following order was passed:-

“In deference to the order dated 26.03.2015, Mr. Varinder Singh, Deputy Superintendent of Police, is present in person.

Learned State counsel submits that the disputed document has not been sent for examination from the Government Expert, so far.

Learned counsel for the petitioner submits that

the petitioner is prepared to give his specimen signatures/thumb impression for comparison.

So far, the prosecution has rested its case only on the report of a private hand-writing expert in such a serious matter.

Notice of motion for 17.08.2015.

Meanwhile, in the event of arrest of the petitioner, he shall be released on bail by the Arresting/Investigating Officer. The petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

The status report by way of affidavit of Senior Superintendent of Police, Police District Khanna, be filed before the next date, failing which the SSP, concerned shall remain present in person on the next date.

Presence of Mr. Varinder Singh, Deputy Superintendent of Police, is exempted for the time being.

*Let a copy of this order be given **dasti** to learned State counsel under the signatures of Court Secretary, for compliance.”*

The main allegation was that thumb impressions of Gurdev Singh and Karnail Singh-complainant on the inspection report dated 21.03.2007, submitted by the Tehsildar, Payal have been forged. Learned petitioner's counsel contends that the partition proceedings have since been finalized by the Revenue Court and the complainants have lost in appeal also. The FIR was lodged on the report of private handwriting expert.

When this case was listed on 20.04.2015, it was submitted by

learned State counsel that the disputed document has not been sent for examination from the Government Expert, so far.

In deference to the order dated 20.04.2015, learned State counsel has filed the short affidavit of Sh. GS Gill, IPS, Senior Superintendent of Police, Khanna, District Ludhiana along with report of Director, Finger Print Bureau, Phillaur (Annexure R-1) in Court today and the same be taken on record.

As per report Annexure R-1, there was similarity of thumb impressions in respect of Gurdev Singh though the questioned thumb impressions of Karnail Singh-complainant marked Q to Q-2 cannot be compared because both are sufficiently ink smudged. Learned State counsel submits that fresh thumb impressions of Karnail Singh can be taken or he can be examined under Section 161 Cr.P.C. in support of prosecution story. On instructions from ASI Amrik Singh, learned State counsel further submits that the petitioner has joined the investigation on 20.05.2015.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and the interim bail granted to the petitioner vide order dated 20.04.2015 is made absolute and the petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C. The petitioner is also directed to co-operate and keep on joining the investigation as and when required.

August 17, 2015
rishu

(R.P. NAGRATH)
JUDGE