

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

Crl.Misc.No.M-7867 of 2015

Date of decision : 21.4.2015

Tara Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....
Present : Mr.Arshdeep Singh Cheema, Advocate
for the petitioner.

Mr. PJS Hundal, AAG, Punjab.

Mr. Gaurav Deep Goel, Advocate
for the complainant.

MAHESH GROVER, J.

The petitioner prays for his release on bail in terms of Section 438 Cr.P.C. in a case registered vide FIR No.96 dated 17.6.2014 under Sections 420, 467, 468, 471 IPC at Police Station Maur, District Bathinda.

The petitioner who is named Tara Singh is alleged to have impersonated another Tara Singh to derive the advantage of sale of land.

Learned counsel for the petitioner contends that the petitioner is real Tara Singh and the allegations of impersonation are incorrect. Besides, interim bail was granted to him even by the court below but was declined finally only on the ground that the petitioner is not cooperating with the investigating agency.

On 12.3.2015 this Court had directed the petitioner to appear before the Investigating officer on 19.3.2015 at 11.00 A.M., which undisputedly he has done but the learned counsel appearing for the State still insists that the petitioner is not cooperating with the investigating agency.

On a specific question as to what is the lapse on the part of the petitioner, it has been stated that the petitioner is not willing to disclose the whereabouts of other Tara Singh whom he had impersonated.

In the considered view of this Court, the dispute of identity of two persons can be established by collateral material which is the job of the police and submitting the petitioner to arrest is unlikely to yield any further result particularly when the petitioner has joined the investigation.

Having regard to the aforesaid, the arrest of the petitioner shall remain stayed subject to the following conditions :-

- i) He will make himself available for investigation as and when required to do so.
- ii) He will not leave the country without the prior permission of the Court.
- iii) He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official.

Petition allowed.

21.4.2015
dss

(MAHESH GROVER)
JUDGE