

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-9334-2015

Date of decision: October 05, 2015

Kewal Singh & another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.B. Raheja, Advocate for the petitioners.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. Harish Mehla, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioners under Sections 420 and 120-B IPC at Police Station Makhu, District Ferozepur, vide FIR No.103 dated 19.06.2014.

Learned counsel for the petitioners submits that petitioners have nothing to do with the alleged offences and they have been implicated falsely in the present case. He submits that petitioner No.1 being *Numberdar* and petitioner No.2 being Patwari, had no role in preparation of the alleged document i.e. *Kursinama*.

Prayer has been opposed by learned State counsel as well as counsel appearing for the complainant on the ground that allegations against the petitioners are serious, thus, they do not deserve the concession of pre-arrest bail. They submits that both the petitioners were

aware of the fact that they had been preparing a forged *Kursinama* and intentionally made wrong entry in favour of co-accused Sukhwinder Singh son of Jarnail Singh, enabling him to transfer the land in favour of his wife Rama by defeating rights of the complainant. Learned State counsel has further submitted that in the record of Municipal Council, complainant as well as Sukhwinder Singh have been shown to be joint owners of the property and by virtue of aforesaid sale deed, amount of Rs.30.00 lacs of the complainant has been swallowed by Sukhwinder Singh.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint made by Raghbir Singh alleging that he is employed as Class-IV in Government High School, Lakha Hazi, District Ferozepur and residing on rent at Ferozepur. His father died on 1.10.1989 and on the basis of Will dated 15.7.1989, Sardara Singh alias Sardaro, mother of the complainant became owner of his estate. On 11.12.2006, his mother executed a Will bearing document No.340, whereby land to the extent of 2/3 share was given to the complainant and remaining 1/3 share to Sukhwinder Singh. However, on 16.7.2012, a transfer deed was fabricated and got registered in connivance with accused Sukhwinder, Rama, petitioners namely Kewal Singh and Sukhjinder Singh and some other persons. At the same time, sale deed was executed by accused Sukhwinder Singh in favour of his wife Rama in order to cheat the complainant. Petitioner Kewal Singh identified Sukhwinder Singh and petitioner Sukhjinder Singh Patwari

prepared a wrong *Kursinama* showing accused Sukhwinder Singh alone as legal heir of deceased Jarnail Singh, whereas there are four sons and three daughters of Jarnail Singh.

Keeping in view nature of allegations, petitioners are not entitled to concession of pre-arrest bail. Both the petitioners have active participation in the crime. They not only cheated the complainant but also forged the documents, enabling accused Sukhwinder Singh to grab land of the share of complainant worth Rs.30.00 lacs. Their custodial interrogation may be necessary for taking the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

October 05, 2015
'Rajpal'