

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 16089 of 2016

Date of decision: 21.7.2016

Sarabjit Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Manuj Nagrath, Advocate.
Ms. Simsi Dhir, DAG, Punjab.
Mr. Abhay Gupta, Advocate.

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Randhir Singh complainant alleging that complainant had executed a General Power of Attorney in favour of his father-in-law Satpal on the asking of his wife Tarandeep Kaur. On the basis of said General Power of Attorney he had executed one Hibanama in favour of his brother Balbir Singh and using the same General Power of Attorney, property of the complainant was sold to his daughter Tarandeep Kaur. Marriage of complainant with his wife Tarandeep Kaur stands dissolved by an order of a foreign court.

The main allegations against the petitioner is that he had signed the sale deed, executed by Satpal in favour of his daughter, as a marginal witness.

The petition has been opposed on the ground that petitioner is nephew of wife of Satpal and is a part of conspiracy in transfer of the property and that other accused are evading arrest.

I have considered the facts and circumstances of the case.

Learned State counsel, on the instructions of ASI Nachattar Singh informed that the petitioner has joined the investigation and no recovery is to be made from him. The main accused in the present case are Satpal and Tarandeep Kaur, who have caused loss to the complainant. The petition filed for pre-arrest bail by Satpal has already been dismissed by this court.

Taking into consideration the role of the petitioner, being an attesting witness to the sale deed, executed by Satpal, who held a power of attorney, which was cancelled subsequently, the culpability of the petitioner will certainly be a debatable issue during trial

Accordingly, the petition is allowed and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that he will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

Nothing said in this order is meant to be read as a precedent for grant of similar relief to the co-accused of the petitioner. Any thing mentioned in this order is meant for adjudication of the present petition qua the petitioner only.

July 21 ,2016
TSM

(M.M.S.BEDI)
JUDGE