

CRM-M-20940-2016 (O&amp;M)

Date of Decision : 14.12.2016

Pardeep Kumar Sharma

.....Petitioner

versus

State of Punjab

....Respondent

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI****Present:** Mr. Ashutosh Hoshiarpuri, Advocate  
for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. P.P.S. Duggall, Advocate with  
Mr. R.S. Sekhon, Advocate  
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner seeks concession of pre-arrest bail in a case which was registered at the instance of Jaswant Kaur, Secretary of Gurudwara Sahib Committee of Delhi Gate, Ferozepur alleging that the petitioner fraudulently got executed a forged sale deed by producing impersonator in place of real owner Mahant Amar Dass, in favour of his mother and also threatened the public visiting Gurudwara Sahib.

Learned counsel for the petitioner has contended that the petitioner is not alleged to be beneficiary of the sale deed.

Learned counsel for the complainant has intervened to oppose the application for bail contending that the petitioner is a retired Patwari and his services have been terminated on account of misconduct that the petitioner has been convicted in a criminal case.

With the assistance of learned counsel for the petitioner, counsel for the complainant and learned State counsel, I have gone

through the record. The allegation of impersonation pertains to the year 1992 while the FIR was registered in the year 2016 after 24 years. The person who is alleged to have impersonated Mahant Amar Dass has not been traced. Since the petitioner is not the direct beneficiary under the alleged sale deed of 1992 and the FIR has been registered after 24 years, it does not appear to be a case of custodial interrogation as the petitioner has joined investigation. In case, the land of Gurudwara Sahib has been fraudulently got transferred, it will be open to the Committee to seek the possession by challenging the sale deed and by recovery of the possession, in accordance with law.

In view of above, the petition is allowed. The interim order dated 15.11.2016 is hereby made absolute. It is ordered that in case of arrest of petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the condition that petitioner will not indulge in any act of tampering with the evidence or threatening the public visiting Gurudwara Sahib, as has been alleged in the FIR. In case of violation of any condition, it will be open to the complainant to seek cancellation of bail.

**(M.M.S. BEDI)**  
**JUDGE**

**14.12.2016**

*Neha*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No