

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

CRM-M-5026-2016 (O&M)
Date of decision : 04.04.2016

Jaswinder Kaur

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K. S. Kahlon, Advocate
for the petitioner (s).

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Sardul Singh.

Mr. Navjot Singh, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) seeking anticipatory bail in case FIR No.56 dated 07.07.2014, registered under Sections 419, 465, 467, 468, 471, 120-B of the Indian Penal Code (for short, 'the IPC'), at Police Station Dera Baba Nanak, District Gurdaspur.

It is contended that the petitioner is an old lady of 63 years of age and bonafide purchaser of the land. The sale deed qua 91 Kanals

12 Acres was executed in favour of her by Manjit Singh, in whose favour Wassan Singh executed power of attorney dated 22.10.2012. The co-accused, Manjit Singh and Balwinder Singh have already been granted regular bail.

On the other hand, the learned State counsel furnished the report of the SDM, Batala, which is taken on record as Mark 'A' and states that the aforesaid power of attorney was executed by impersonating Wassan Singh as the photograph placed at the time of execution of the power of attorney is totally different from that of Wassan Singh. Therefore, the present petition is liable to be dismissed. The petitioner is the beneficiary and mother-in-law of the co-accused, Manjit Singh.

The learned counsel for the complainant states that co-accused, Balwinder Singh and Manjit Singh with the bad intention of grabbing the land of the complainant, prepared a bogus power of attorney by impersonating Wassan Singh. Thereafter, the said Manjit Singh executed a sale deed in favour of his mother-in-law, the petitioner. Thus, the petitioner is the beneficiary of the fraud.

I have heard the learned counsel for the parties and carefully gone through the entire record.

As per the report of the SDM, Batala, co-accused, Manjit Singh and Balwinder Singh have played fraud upon the complainant by impersonating Wassan Singh and prepared a fake power of attorney,

allegedly executed in favour of Manjit Singh. Further, the petitioner could not explain the source and mode of sale consideration. Therefore, this Court feels that the petitioner does not deserve the concession of bail. Otherwise, also this is the second bail petition. The FIR was registered on 07.07.2014 and the petitioner has been successfully evading the process of law.

Dismissed.

However, anything said hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.04.2016

ashok

(JITENDRA CHAUHAN)
JUDGE