

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

(216)

CRM-M-9303-2016

Decided on: April 11, 2016.

Pargat Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Gaurav Chopra, Advocate, for the petitioner.

Mr. A.S. Kaler, DAG, Punjab.

Mr. Harish Sharma, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner appears to be a member of land grabbers group. The FIR was registered at the instance of Kanwaljit Singh, an NRI alleging that he possessed 16 acres of land in India and had given the same to Jagrup Singh on contract. Taking advantage of his absence, the land of the complainant was mortgaged by one Lakhwinder Singh, impersonating as the complainant, for a sum of Rs.50 lacs. So far as the petitioner is concerned, he facilitated the said mortgage by signing the mortgage deed as a witness representing himself to be Sukhpreet Singh.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail.

With the assistance of learned State counsel and learned counsel for the complainant, I have gone through the police file and seen the photograph taken on the occasion of registration of the mortgage deed.

The petitioner is present in the said photograph as a witness to the mortgage deed posing as Sukhpreet Singh.

Learned counsel for the petitioner has submitted that the mortgage has now been redeemed by the complainant.

Taking into consideration the totality of the circumstances, I am of the opinion that the petitioner connived with his co-accused and the bank officials with an intention to grab the property of the complainant who was not in India.

Learned counsel for the petitioner has submitted that the petitioner has been involved in the case on the basis of disclosure statement of co-accused and said disclosure statement of an accomplice is not admissible in evidence. Learned counsel for the petitioner has submitted that even the disclosure statement made by the co-accused of the petitioner do not mention the name of the petitioner.

It is hardly of any relevance if the co-accused have opted to protect the petitioner in not disclosing his name at this stage.

In view of the apparent material available on the record indicating the culpability of the petitioner, I do not find any extraordinary exceptional circumstances to grant pre-arrest bail to the petitioner.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

April 11, 2016
harsha