

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

CRM-M No.10119 of 2017
Date of decision: 25th April, 2017

Satnam Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Malkiat Mann, Advocate for the petitioner.

Mr. Rupam Aggarwal, Dy. Advocate General, Punjab
for the respondent/State.

Mr. Amit K. Walia, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Satnam Singh in this anticipatory bail application filed under Section 438 Cr.P.C. are that he impersonating as Lambardar in place of the actual Lambardar namely Jagwant Singh son of Satnam Singh, filed and gave evidence fraudulently before the Revenue Court of Collector leading to sanction of mutation No.5242 of village Mauran and mutation No.1918 of village Tiranji Khera regarding inheritance of Surjit Kaur mother of the complainant Gurjant Singh leading to registration of the present case.

Contentions of learned counsel for the petitioner inter-alia are that there is no evidence to link the petitioner with the commission of offence and that it was a pure inter-se property dispute between the claimants to the estate left behind by Surjit Kaur and that no specific role

is attributed to the petitioner and nothing is to be recovered from him as the entire documents are subject matter of public record.

The bail application is stoutly opposed by learned State counsel on the grounds that the petitioner has not only impersonated but has also acted in most fraudulent manner in misleading the Court, thus custodial interrogation is required.

Appreciating the submissions, the very allegation of prosecution shows that the petitioner has impersonated as Lambardar, a revenue post, and has sought to mislead the Court of Collector by his intentional testimony on oath. The very conduct of the petitioner has its own ill-effects on the very administration of justice and such like criminal misconduct having attained notoriety whereby poor hapless persons are being robbed of their properties, and therefore in view of the seriousness of allegations and heinousness of offence and that custodial interrogation of the petitioner is very much essential together with the fact that provisions of Section 438 Cr.P.C. are to be sparingly used, impels this Court to decline the prayer. Thus, finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 25, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No