

CRM-M-10865-2017

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

CRM-M-10865-2017

Date of Decision: 25.05.2017

Shamim Ahmed and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. D.S.Matya, Advocate,
for the petitioners.

Mr. B.S.Virk, DAG, Haryana.

Mr. Jamshed Ahmed, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioners-Shamim Ahmed, Salim Ahmed, Vaseem Akram, Asif Khan and Khursheed have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.72 dated 07.03.2017, registered at Police Station Bahin, District Palwal, under Sections 420, 467, 468, 470, 471 and 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has appeared on behalf of the respondent-State and complainant has also put in appearance through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

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From the record, I find that allegations against the present petitioners are that they alongwith Nasim Ahmed have filed a civil suit against Hazar Khan for possession by way of partition and permanent injunction before the Court of learned Additional Civil Judge (Sr. Divn.), Hatian. However, in fact, Nasim Ahmed is missing for the last 10 years and the plaint as well as Vakalatnama etc. were signed on behalf of Nasim Ahmed by forging his signatures. Nasim Ahmed was the real brother of the present petitioners, therefore, they cannot show the ignorance about signing the plaint and Vakalatnama by someone as Nasim Ahmed. It cannot be without the knowledge of the present petitioners.

Keeping in view the facts and circumstances of the present case and in view of the facts that the plaint was filed by showing Nasim Ahmed as plaintiff No.1 alongwith the present petitioners, but signatures of Nasim Ahmed on the plaint as well as Vakalatnama are stated to be forged one, I find that the petitioners are required for custodial interrogation and thus, are not entitled to the benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

25.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No