

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16929-2017

Date of Decision: 31.05.2017

Jaswinder Singh

.....Petitioner

VS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

Mr. K.S. Sekhon, Advocate,
for the complainant.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that in any case, all documentary evidence being available with the investigating agency, there would be no need for his custodial interrogation.

Whereas that cannot be denied as a fact, however, the parameters of grant of anticipatory bail are not limited to whether or not custodial interrogation is required to recover any particular thing, but also on account of the nature of the offence.

A person knowingly committing an offence, depriving another person of his property, cannot be stated to be committing a minor offence, for which he can be admitted to the concession of anticipatory bail.

Learned counsel has submitted that the petitioner was only a witness to the sale deed, without any knowledge as to who was impersonating the vendor and the vendee in the sale deed. *Prima facie* at least it is difficult to accept that contention, because a person would be a witness to a sale deed only if he knew the parties concerned, or at least one of them, very well. If he simply appears as a witness on the asking of somebody, without knowing the identity of at least one of the parties, he has to be, *prima facie* at least, treated to be a part of the conspiracy. It has also been contended by learned counsel that the petitioner signed as a witness on the request of one Judge Singh.

Learned counsel for the State submits that in fact the entire conspiracy to sell the property of the complainant was hatched by all these persons together.

Consequently, without making any final comment on the actual merits of the case, for or against the petitioner, which would be subject matter of investigating and the trial if it comes to that stage, I see no reason to continue with the interim order already in favour of the petitioner.

Hence, the petition is dismissed and the interim order dated 15.05.2017 is hereby vacated.

May 31, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.