

..

204

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

CRM-M-30042 of 2017

DATE OF DECISION:Sept. 11, 2017

Mahender Singh Phogat

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. N.S.Shekhawat, Advocate for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Shekher Dhawan, J.

Present petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing First Information Report (FIR) No. 587 dated 22.06.2015 under Sections 406, 420, 166, 417, 418, 423, 463, 465, 467, 468, 471, 477(a) and 120-B IPC, registered at Police Station Sadar, Hisar.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case. He has retired as Sub Registrar and as per allegations made in the FIR, main accused are Jagbir Singh and the beneficiaries are Saurabh Singh and Smt. Krishna. The executant of General Power of Attorney (GPA) is an educated lady and she had herself appeared before the Sub Registrar and had signed the documents and her

photograph is also affixed on the GPA as well. More so, during

..

investigation, the main beneficiaries have been found to be innocent. The sale deed was executed on the basis of alleged GPA and the entire record is already available in the office of Sub Registrar, as the petitioner has retired long back. He is still ready to join the investigation. So he be released on pre-arrest bail.

3. Learned State counsel contended that the GPA was attested by the petitioner in connivance with the main accused while working as Sub Registrar though the property, which was the subject matter of Power of Attorney was not falling under the area and the custodial interrogation of the petitioner is required.

4. Having considered the submissions made by learned counsel for the parties and the fact that the petitioner has retired about two years back; the record is already available in the office of Sub Registrar; and the allegations in the FIR are against Jagbir Singh, the present petition is allowed and the petitioner is directed to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr. P.C. In the event of his arrest, the petitioner is ordered to be released on pre-arrest bail on his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer.

5. The petition stands allowed in the above terms.

(SHEKHER DHAWAN)
JUDGE

11.09.2017.

som

Whether speaking/reasoned : YES
Whether reportable : YES