

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-436 of 2017 (O&M)

Date of Decision: 20.01.2017

Dilbagh Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jaideep Verma, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Mr. Vishavjeet, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This is the second petition preferred by the petitioner under Section 438 Cr.P.C seeking the concession of anticipatory bail in case F.I.R. No.160 dated 1.8.2014 under sections 420, 120-B I.P.C and under sections 465, 467, 468, 471 I.P.C, registered at Police Station, Salem Tabri, District Ludhiana.

Counsel for the parties have been heard.

Briefly noticed allegations against the present petitioner are in regard to having set up a forged and fabricated agreement to sell in respect of a residential property in Ludhiana and on the strength of such agreement to sell having secured an ex-parte decree in a suit filed for specific performance.

It would be apposite to notice that in the first petition preferred by the petitioner under Section 438 Cr.P.C i.e. CRM No. M-3459 of 2016, counsel had chosen to withdraw the same by submitting that an untraced report had been prepared by the Investigating Agency. Such petition had been dismissed as withdrawn in the light of order dated 26.2.2016.

It so transpires that the untraced report was not accepted by the competent authority and a subsequent inquiry was conducted by the N.R.I Police Station, Ludhiana and in such inquiry complicity of the petitioner stands proved.

As per allegations the agreement to sell which is forged and fabricated is stated to be of 19.3.2005 and executed at Ludhiana. The complainant takes a stand that he had taken a flight from the Indira Gandhi Airport, New Delhi which departed at 11.05 A.M on 19.3.2005. The original Passport of the complainant, to substantiate such assertion has been produced in Court today and the same has also been shown to the counsel for the petitioner. The same clearly reveals the complainant having boarded a flight on 19.3.2005 from New Delhi during the pre-lunch hours. Prima facie, the agreement to sell stated to have been entered into at Ludhiana is a forged document.

Under such circumstance, there would be no occasion for this Court to intervene in the matter. The order dated 14.12.2015, passed by learned Additional Sessions Judge, Ludhiana declining the concession of pre-arrest bail to the petitioner, is affirmed.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

20.01.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No