

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

CRM No.M-13677 of 2018 (O&M)

Date of Decision: July 25, 2018

Pawinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Birinder Singh Rana, Senior Advocate with
Mr.R.S.Bajaj and Mr.Gagandeep Rana, Advocates
for the petitioner.

Mr.Pawan Sharda, Sr. DAG, Punjab
for the respondent-State.

Mr.Deepender Singh, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.01 dated 5.01.2018 under Section 420 IPC, registered at Police Station NRI (Rural), Jalandhar.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

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

From the record, I find that as per the FIR, complainant Gurnek Singh, who is NRI, was owner of agricultural land. He came to India in

February 2009 and that property was in occupation of Charanjit Singh, who was not vacating the same. The complainant talked to Paramjit Singh, who took him to Sarabjit Singh Makkar at his residence, where Madan Lal and Pawinder Singh were also sitting. Sarabjit Singh Makkar introduced them that they are his PA/employees. Said Sarabjit Singh Makkar assured to get the possession of said property vacated with the help of police. As per allegations, power of attorney was given to Pawinder Singh at the instance of Sarabjit Singh Makkar. As per the allegations, complainant's land has been transferred in favour of father-in-law of Sarabjit Singh Makkar. It is also in the FIR that later on, 2 kanals were sold on the basis of same power of attorney.

Learned counsel for the petitioner argued that there is no inducement by the present petitioner. The complainant himself gave power of attorney to the present petitioner, as per the allegations and present petitioner is not the beneficiary.

From the record, I find that petitioner is not beneficiary. There is also no allegation that petitioner has induced the complainant to execute power of attorney in his favour. The main accused is Sarabjit Singh Makkar, who asked the complainant to give power of attorney in the name of his PA/employee. The sale deed was also executed in favour of relative of Sarabjit Singh Makkar, main accused.

The case is based on documentary evidence. Nothing is to be recovered from the petitioner. The petitioner has already joined the investigation. He is not required for investigation or custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and

without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 04.04.2018 granting interim bail to the petitioner, is made absolute.

July 25, 2018	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No