

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

**CRM-M-18678-2018
Date of decision: 14.5.2018**

Sukhbir Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Charanpal Singh Bagri, Advocate
for the petitioner.

Mr. Harbir Singh Sandhu, AAG, Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

This petition has been filed by the petitioner under Section 438 of the Criminal Procedure Code ('Cr.P.C.' - for short) for grant of regular bail in FIR No.25 dated 17.3.2018 under Sections 420, 465, 467, 468, 470, 471 and 120-B of the Indian Penal Code ('IPC' - for short) registered at Police Station Khamano, District Fatehgarh Sahib.

Learned counsel for the petitioner has contended that he has no criminal background and has not committed any offence but the present FIR has been registered under the political influence. It is further contended that he is ready to join investigation and will fully cooperate

the same.

On the other hand learned State counsel has opposed the bail and produced the copy of power of attorney purported to be executed by Sudarshan Singh, but the same has been impersonated in connivance with the petitioner. Learned State counsel on instructions from ASI Satwinder Singh has submitted that he is not able to tell the name of said fake Sudarshan Singh who impersonated the real Sudarshan Singh residing in United State.

Heard learned counsel for the parties and perused the record.

Precisely, the accusation against the petitioner is for committing the fraud and forgery in connivance with the other co-accused and he in connivance with the fake Sudarshan Singh wanted to usurp the property of the real Sudharshan Singh. Though the allegation of forgery cannot be presumed unless those are proved to the hilt, but for the purpose of the investigation, it is not only important for the investigating agency to collect the valuable material, but it is imperative also that the investigating agency has to gather the evidence with regard to the manner in which the forgery was committed and the motive behind crime. The cogent material can only be collected through custodial investigation of the petitioner as it is to be ascertained that who impersonated the real Sudarshan singh while executing the General Power Attorney in favour of the petitioner.

In case such custodial interrogation is denied to the investigating agency, that will leave many loose ends and loopholes, adversely affecting the administration of justice.

In view of the above, this Court is not inclined to grant pre-arrest bail to the petitioner, consequently, the same is dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

**(MAHABIR SINGH SINDHU)
JUDGE**

14.5.2018
Gaurav Sorot

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |