

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

CRM M-44703 of 2017

Date of decision : 26.02.2018

Gurmail Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jitender Bansal, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG Punjab.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 419, 420, 465, 467, 468, 471/120-B IPC vide FIR No. 81 dated 07.05.2015 at police station Navi Baradari, district Jalandhar City. It has been urged before the court that petitioner was not involved in the crime. He was arraigned as an accused on the basis of statement of co-accused recorded by the investigating agency. According to him, petitioner has been falsely implicated due to political pressure. Thus, he deserves the concession of bail. Learned State counsel has opposed the prayer for bail on the ground that petitioner has played a active role in the commission of crime. He has been specifically named in the confessional statement of co-accused Tarsem Chand.

FIR was lodged on the basis of complaint of Harminder Singh. He alleged that Tarsem Chand, Jasvir Singh, Surinder Kaur and Gurpreet Singh in connivance with each other and by forging the documents executed the sale-deed on 22.04.2015 vide document no. 620/1 of land measuring 14

marlas situated in village Mithapur for a sum of ₹13,44,000/- by producing a lady who impersonated as Nasib Kaur, the original owner of the said property. Accused Tarsem Chand and Jasvir Singh had signed the alleged sale-deed as marginal witnesses and also wrongly identified the lady as Nasib Kaur. Gurpreet Singh, who appeared on behalf of the vendee, also signed the sale-deed. In this way, all the accused in collusion with each other committed fraud with the actual owner of the property. After registration of FIR, investigation ensued. Name of the petitioner figured in the confessional statement of accused Sanjiv Kumar, who was declared a proclaimed offender and was arrested on 13.10.2017. However, during further investigation, statements of Ajay Pal Singh, Gurpreet Singh and Tarsem Chand have been recorded. They specifically named the petitioner as the main accused who produced a lady impersonating as Nasib Kaur and got the land registered before the Tehsildar. During the pendency of petition, petitioner was granted the concession of ad-interim bail. However, stand of the investigating agency is that he is not cooperating as he is not disclosing the name of the lady who impersonated as Nasib Kaur. In the facts and circumstances of the case, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. Investigation cannot be taken to its logical end in case petitioner is armed with protective order. Petition is, thus, without any merit and is hereby dismissed.

February 26, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No