

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

CRM-M-4712-2018

Date of decision:-20.2.2018

Balwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Rishu Mahajan, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Balwant Singh, an accused in FIR No.212 dated 21.11.2017, under Sections 419, 420, 465, 467, 468, 120-B IPC, registered at Police Station Mehatpur, District Jalandhar.

Briefly stated, facts of the case as per prosecution story are that criminal machinery was set into motion by complainant – Kulwinder Kaur, on whose statement to the police FIR was registered, in which she stated that she was married with Gopal Singh and the couple was blessed with two daughters; that Gopal Singh owned 4 Kanals 14 Marlas of land situated at village Bangiwal; that he was residing in Saudi Arabia, where he expired in the year 2008 in a road side accident; that after death of Gopal Singh, his family started harassing the complainant and she shifted

to her parental house; that subsequently she came to know that Harpal Singh, a real brother of her deceased husband had sold land measuring 4 Kanals 14 Marlas to Kamalpreet Kaur by impersonating as Gopal Singh vide sale deed dated 5.9.2016. After registration of the FIR, the matter was investigated.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Jalandhar vide order dated 22.12.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records and I do not find any merit in the present petition.

Learned counsel for the petitioner has contended that the petitioner, who is Lambardar of the village is not a beneficiary under the sale deed, he was present in the Tehsil premises per chance, where on being asked, he had attested the sale deed. Furthermore, there is delay of more than one year in lodging of the FIR and the petitioner is ready and willing to join the investigation, therefore, pre-arrest bail be granted to him.

Whereas the request of pre-arrest bail is being opposed by learned State counsel vehemently.

After hearing the rival contentions of learned counsel for the parties, I find that the allegations against the petitioner are very grave and

serious inasmuch as he had identified Harpal Singh as Gopal Singh, the owner of the land at the time of execution of the sale deed with regard to 4 Kanals 14 Marlas of land belonging to Gopal Singh. The sale deed was executed on 5.9.2016 when Gopal Singh no more in this world having died in the year 2008. The petitioner does not belong to the village where the land in question is situated. His being Lambardar of another village and identifying Harpal Singh as Gopal Singh at the time of execution of sale deed clearly goes to show his involvement and complicity in the scam.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

20.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No