

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

CRM No.M-49528 of 2017 (O&M)
Date of Decision: July 13, 2018

Surinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.S.Ahluwalia, Advocate
for the petitioner.

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

Mr.S.P.S.Sidhu and Mr.Arjunveer Sharma, Advocates
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.226 dated 19.09.2017 under Sections 177, 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Division No.5, District Ludhiana.

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 FIR has been registered on the statement of Manmohan Kaur against Surinder Pal Singh present petitioner that he has prepared false documents, defrauded the complainant and cheated her and these documents have been used by him. Learned counsel

for the petitioner argued that a civil litigation is pending between the parties

for the last 11 years. The petitioner, in the civil suit, had already filed the written statement stating therein that the property has been mutated in his name and also in the MC record in the year 2008 and now this FIR has been got registered. He also argued that allegations in the FIR are false and the documents are correct.

The dispute is regarding signatures on the affidavits. The petitioner submits that he has already got examined handwriting expert, who stated that the signatures are of the complainant whereas learned counsel for the complainant contended that the FSL reports says that signatures are not of complainant etc.

The petitioner has already joined the investigation. Nothing is to be recovered from him. The case is based on documentary evidence. The petitioner is not required for custodial interrogation. The trial of the case will take long time. 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 petitioners are entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 22.12.2017 granting interim bail to the petitioner, is made absolute.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 13, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No