

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CrI. Misc. No. M-49612 of 2017

Date of Decision: May 03, 2018

Kishori Lal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Gurmohan Singh Bedi, Advocate for the petitioner

Mr. Amandeep S. Gill, Sr. DAG Punjab

Mr. Arun K. Bakshi, Advocate for the complainant

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No. 244 dated 23.10.2017, registered under Sections 420, 464, 465, 467, 468, 470, 471, 472, 473, 120-B IPC at Police Station Sadar Jalandhar.

Pursuant to order dated 09.03.2018, affidavit of the petitioner has been filed in the Court today and the same is taken on record.

Noticing the contention of learned counsel for the petitioner that a loan was obtained on the basis of an alleged forged lease deed and that the loan stood repaid, interim protection was granted by this Court vide order dated 22.12.2017. Thereafter, counsel appearing for the complainant had stated that the petitioner had not joined the investigation which was disputed by learned counsel for the petitioner. Hence, a direction was issued to the petitioner to file a specific affidavit in this regard. He was also directed to join the investigation on 13.03.2018 at 10.00 a.m.

Pursuant to this order, the affidavit mentioned hereinabove has been filed in the Court. It has been stated therein that the petitioner has joined the investigation on 13.03.2018 as directed above.

Learned State counsel as well as learned counsel appearing for the complainant do not dispute that infact the petitioner has joined investigation. However, he has failed to give a specimen signature in gurmukhi script.

As per the allegations in the FIR, the petitioner forged a lease deed in respect of 237 kanals land owned by one Inderjit Singh son of Sadhu Singh. The petitioner is a witness to the said lease deed and the lessees are four other persons. The specific allegation against the petitioner is that he forged the signature of Inderjit Singh in gurmukhi script.

According to learned counsel for the State, the loan taken on the basis of the said lease deed has been repaid but the petitioner has refused to give a specimen signature in gurmukhi script on the ground that he can not read or write the punjabi language. This is patently incorrect because the Investigating Officer has obtained a copy of notification issued by the Punjab School Education Board whereby result of Class X was notified in 1982 and name of the petitioner is mentioned therein. He passed his Class X from Govt. High School, Daduwal, District Jalandhar, which is punjabi medium school.

Thus, it appears that petitioner is trying to derail the investigation and is not cooperating therewith. The alleged beneficiaries of the lease deed are stated to have given their specimen signatures but the petitioner is avoiding to do the same. Contention of learned counsel for the petitioner that if the petitioner does not give his specimen signature an adverse inference be drawn against him is not acceptable. Relief under Section 438 Cr.P.C. is discretionary in nature and conduct of the petitioner does not entitle him to the said relief.

The petition is, accordingly, dismissed.

May 03, 2018

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No