

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

Sr. No.203

CRM-M-50062-2017
Date of decision : 26.02.2018

Pardeep Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. G.C. Shahpuri, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.1071 dated 10.07.2017, registered at Police Station City Jagadhri, District Yamuna Nagar, under Sections 419, 420 and Sections 467, 468, 471 and 120-B IPC.

Notice of motion was issued in this case on 29.12.2017 and service is complete.

Learned counsel for the petitioner contends that his father-in-law got a transfer deed executed in his favour by impersonating and putting up an imposter as his sister and the petitioner attested the said transfer deed. His contention is that the fraud has been committed by his father-in-law and the petitioner only identified the imposter and thus, he is entitled to grant of anticipatory bail.

Learned State counsel on instructions from ASI-Bhoop Singh submits that in fact, the petitioner is also a beneficiary and he has colluded with his father-in-law to defraud the sister of father-in-law. It is further

submitted that the petitioner intentionally identified a third party as the sister of his father-in-law and thus, mens rea is clear.

Undoubtedly, the petitioner has connived with his father-in-law to defraud the sister of the father-in-law and therefore, it cannot be said that the petitioner was an innocent witness.

It is then contended by the learned counsel for the petitioner that all the evidence required in this case is in possession of the prosecution and that challan has already been presented against the main accused. Thus, no useful purpose will be served by taking the petitioner into custody as no recovery is to be effected from him.

Learned State counsel does not dispute this factual position.

In view of the above, the petition is allowed. In the event of arrest of the petitioner in the aforesaid FIR, he is ordered to be released on anticipatory bail to the satisfaction of Arresting Officer/S.H.O concerned. The petitioner is directed to join the investigation as and when required to do so and shall comply with the provisions enshrined under Section 438(2) Cr.P.C.

(SUDHIR MITTAL)
JUDGE

February 26, 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No