

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-12039-2019 (O&M)
Date of Decision:-8.5.2019

Jagtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-15692-2019 (O&M)

Jagmandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Iqbal S. Mann, Advocate for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Jupinder Pal Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of aforesaid two petitions filed on behalf of petitioners Jagtar Singh and Jagmandeep Singh seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.09 dated 29.1.2019 at Police Station SGN Dev Thermal Plant, Bathinda,

District Bathinda under Sections 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860.

The FIR was lodged at the instance of Mahinder Kaur, wherein it has been alleged that one agreement for sale of property was prepared by forging her signatures and on the basis of the said forged agreement, the accused Jagmandeep filed a suit in the Civil Court in the year 2012, which was decided against the complainant *ex parte* on 3.12.2012. It is alleged that although the construction had been raised in year 2013, but the complainant had not let it out. It is further alleged that the agreement in question was witnessed by Jagtar Singh and Harinder Singh and the accused had all connived together to prepare the forged agreement. It is further alleged that on 14.7.2014, when the complainant went to her house, the accused came there to take possession of the same and stated that the house in question is registered in their name and threatened to kill the complainant and that they were accompanied by other persons, who were armed with weapons.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case simply in order to pressurize them and that infact the Civil Court had already adjudicated on the agreement in question and had passed a decree in favour of the petitioner Jagmandeep Singh. It has further been submitted that subsequently an application under Order 9 Rule 13 CPC for setting aside the *ex parte* decree was moved by the complainant, but even the said application was dismissed and that the complainant now in order to wriggle out of the agreement as well as the decree and to pressurize the petitioner has lodged the present FIR falsely.

Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that infact the agreement in question has been got examined from FSL, which has opined that the signatures of the complainant have been forged on the said agreement and that in these circumstances, it is apparent that the complainant had never signed on the agreement in question and that the same is a forged agreement.

The learned counsel for the complainant has further submitted that infact an appeal against the dismissal of application under Order 9 Rule 13 CPC is still pending. It has also been submitted that the *ex parte* decree came to be passed in a clandestine manner and the publication was got effected in a newspaper 'Charhdikala' from Patiala, whereas the property is situated in Bathinda, where the said newspaper hardly has any circulation.

I have considered rival submissions addressed before this Court. Bearing in mind the fact that the Civil Court is presently seized of the matter, wherein in the first instance the suit on the basis of the allegedly forged agreement had been decreed and even application under Order 9 Rule 13 CPC has been dismissed although the appeal against the dismissal of application under Order 9 Rule 13 CPC is still pending, and also while bearing in mind the fact that the petitioners have since joined investigation, in my opinion, it is fit case for grant of anticipatory bail. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 15.3.2019 and 5.4.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

The present petitions stand accepted accordingly.

8.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No