

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25744-2018

Date of Decision: 28.08.2019

Avtar Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ankur Mittal, Advocate,
for the petitioner.

Mr. A.P.S. Gill, D.A.G., Punjab.

Mr. Manish Kumar Singla, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 12.07.2019, an affidavit of Sh. Mandeep Singh, the Senior Superintendent of Police, Patiala, has been filed, which is ordered to be taken on record.

The petitioner herein is seeking the concession of anticipatory bail, with an interim order passed in his favour on 13.06.2018, which has since been continued.

The affidavit filed by the SSP, Patiala, is to the effect that the petitioner was the one who got the FIR in question registered against Bhupinder Singh (petitioner in CRM-M-34194-2017), alleging therein that Bhupinder Singh has got a forged power of attorney executed in his name by getting different persons to impersonate those who were shown to have executed it, whereas those persons had actually died.

Thereafter, Bhupinder Singh is alleged to have got a sale deed executed in favour of his father on the strength of the said power of attorney in his favour, but with Bhupinder Singh's wife having moved an application on 08.02.2016, stating

that it is the petitioner herein, Avtar Singh, who was the culprit behind the entire conspiracy.

The DSP, Head Quarters, Patiala, is thereafter, stated to have made an enquiry in which he recommended that Avtar Singh be also prosecuted, with the investigation qua the petitioners' role still being under investigation.

Upon query to learned State counsel, he submits that one of the persons who executed a power of attorney in favour of the petitioner, has made a statement to the effect that she had only delegated such power to him for the purpose of getting the land in question vacated, which is stated to have belonged to her fore-fathers, as also to the fore-fathers of the others who have also executed similar instruments conferring a power of attorney on the petitioner.

He further submits that the other three persons who had executed such power of attorney granting the petitioner a right to get the land vacated, do not deny that such power of attorney would also confer power on him to get an FIR registered for the said purpose, the allegations being essentially against his co-accused Bhupinder Singh, as have been noticed by this Court while disposing of the petition filed by him, i.e. CRM-M-34194-2017.

Consequently, with the persons who have executed powers of attorney in favour of the petitioner not denying that they had granted the power to him to get the land vacated, I see no reason to not make the interim order dated 13.06.2018 absolute, passed by this Court in favour of the petitioner.

Ordered accordingly, on the same terms and conditions.

August 28, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes