

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

CRM-M-15912-2019 (O&M)
Date of Decision:-8.7.2019

Satnam Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Kumar Singla, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab.

Mr. Surinder Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.28 dated 8.3.2019 at Police Station City-1, Malerkotla, District Sangrur under Sections 465, 467, 468 and 471 of Indian Penal Code.

The FIR was registered at the instance of Surjit Kaur, wherein she has stated that she is 83 years old and that Shop No.22, New Grain Market, Malerkotla was allotted to her in the year 1975 by Punjab Mandi Board, Chandigarh. After death of her husband in the year 1993, the business of commission agent was handed over to her sons Satnam Singh and Harmandeep Singh. The complainant has alleged that she has three sons namely Satnam Singh, Jasprit Singh and Harmandeep Singh and that she

was surprised to find later that her Shop No.22 had been mortgaged with OBC Bank, Chandigarh by her son Satnam Singh without her consent whereas she never signed any of the document of the bank.

The learned counsel for the petitioner has submitted that infact it is a dispute *inter se* between brothers and the petitioner has been falsely implicated whereas infact it was on account of consent of the complainant that the shop in question had been mortgaged.

Opposing the petition, the learned State counsel has submitted that the alleged signatures of the complainant were got examined by a private handwriting expert, who has opined that the said signatures do not tally with the admitted signatures of the complainant.

Upon a query made by this Court to the learned State counsel as to whether any step had been taken to get the signatures of complainant examined from any government handwriting expert, it has been informed that although notice in terms of Section 161 Cr.P.C. was issued to the complainant thrice but she did not come forward to give her signatures and it was informed that due to her old age she is unable to sign.

Having regard to the facts and circumstances of the case and without commenting anything on merits of the case and while bearing in mind that the matter mainly appears to be a case of some dispute regarding family settlement and that the authenticity of forgery of signatures of the complainant is yet to be established finally and also that the case is mainly based on documentary evidence, in my opinion, it is a fit case for grant of anticipatory bail, more particularly when the petitioner is stated to have joined investigation. The petition, as such, is accepted and the interim

directions issued by this Court vide order dated 8.4.2019 are hereby made absolute subject to the condition that the petitioner 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.

The present petition stands accepted accordingly.

8.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No