

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

CRM-M-50072-2017 (O&M)
Date of Decision:-13.5.2019

Nahar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhishek Arora, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.338 dated 29.11.2017 at Police Station Tripri, District Patiala under Sections 419 and 420 of Indian Penal Code, 1860.

The FIR was registered at the instance of Harmeet Kaur, wherein it has been alleged that Charan Singh, brother of his father-in-law, had executed a WILL dated 13.3.2001 in favour of his nephews Balbir Singh and Nahar Singh and after the death of Balbir Singh mutation was effected in respect of ½ share in favour of the complainant Harmeet Kaur, wife of Balbir Singh. However, Nahar Singh is alleged to have executed a fake sale-deed in respect of share of the complainant by way of impersonation in favour of Harbans Kaur and had also executed sale-deed in respect of his ½

share in favour his wife Jaswant Kaur. It is further alleged that infact the land in question had been sold by complainant's husband Balbir Singh and Nahar Singh to 'M/s William Resorts and Hotels Limited' and that the said firm after getting CLU from PUDA had also raised boundary wall and had arranged for water supply and sewage for its development but on account of the fake execution of the sale-deeds the firm had to suffer huge loss.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to show that the petitioner had executed sale-deeds by way of impersonation.

Opposing the petition, the learned State counsel has submitted that the thumb impressions as existing on the fake sale-deeds were got examined and which have not been found to be not tallying with the real thumb impression affixed on an earlier occasion. Upon a query made by this Court, the learned State counsel has informed that infact the disputed thumb impressions have not been got examined from any Government Laboratory/Government Expert and that it is the complainant who had got them examined from a private expert. It has, however, been informed that the petitioner has since joined investigation.

I have considered rival submissions addressed before this Court.

Since the present case is a case based mainly on documentary evidence and the petitioner is already stated to have joined investigation, in my opinion, it is not a case where custodial interrogation is warranted. The petition, as such, is accepted and the interim directions issued by this Court

vide order dated 8.1.2018 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.

13.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No