

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.211

CRM-M-52876-2018

Date of decision : 20.2.2019

Baldev Singh @ Maggu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Akshay Sandhir, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab

Mr. S.S. Majithia, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.225 dated 15.10.2013, registered at Police Station Sadar, Amritsar, under Sections 420/467/468/471/120-B IPC.

The complainant is Damini daughter of late Sh. Om Parkash. She filed a complaint dated 3.3.2012 resulting in registration of the aforementioned FIR. According to the contents of the complaint, accused Balwinder Singh @ Rahul son of Surinder Singh, was her second husband. It is alleged that he, his father, his brother and his sister-in-law started ill-treating the complainant. The complainant worked at a private company and also used to run a beauty parlour during her free time and out of her earnings, she purchased a house. She also gave money to her husband, but he squandered the same. Her husband and his sister-in-law abducted her children and she managed to get them back with great difficulty. Her husband and her father-in-law also stole her valuables. They are also threatening her with illegal dis-possession because of which the complaint was filed.

During the course of investigation, the petitioner was also named as an accused as it was found that he had forged an agreement to sell dated 13.9.2011 in respect of the house of the complainant and the husband of the complainant was using the services of the petitioner to take over possession of her house. Thus, the present petition for grant of anticipatory bail was filed.

Notice of motion was issued because it was contended that the agreement to sell was genuine and that the investigation was almost complete. Only the FSL report was awaited as is evident from order dated 13.12.2016 passed in CRM-M-379-2016 (P3). If the FSL report came in favour of the petitioner then he would be entitled to grant of anticipatory bail.

On the next date of hearing i.e. 5.12.2018, learned State counsel had submitted that the FSL report has indicted the petitioner. Counsel for the petitioner sought time to argue the case.

Today, learned counsel for the petitioner has submitted that in respect of the agreement to sell dated 13.9.2011, a suit for specific performance filed by the petitioner is pending. The complainant signs in a different manner on every document executed by her as is evident from the written statement filed in the civil suit, her statement recorded in the Court and some other documents submitted before the police. Thus, it is not surprising that the FSL report has found that the agreement to sell dated 13.9.2011, does not bear the signature of the complainant. The petitioner has been unnecessarily involved in a family dispute. The original agreement to sell is on record of the civil Court and thus, the custodial interrogation of the petitioner is not necessary.

The prayer is opposed by learned State counsel as well as counsel for the complainant on the ground that the FSL report clearly indicts the petitioner. The said report is based upon a comparison of the line quality, formation of alphabets, natural flow etc. Even if a person signs in a different manner on different documents, the handwriting can always be compared and it can be found whether the handwriting is of one and the same person. In this case, the FSL has categorically found that the complainant has not signed the agreement to sell dated 13.9.2011 and therefore, the argument that she signs in a different manner on different documents is of no relevance. Further, the petitioner is an accused in 03 other FIRs including one under Section 302/307 IPC. The agreement to sell dated 13.9.2011 has been forged by the petitioner in connivance with the husband of the complainant and a forged document is being used to grab the property of the complainant. Thus, the petitioner does not deserve the concession of anticipatory bail.

In this case, notice of motion was issued only because it was contended by counsel for the petitioner that the FSL report is likely to go in favour of his client. This argument no longer remains pertinent or valid because the FSL report has gone against him. The learned State counsel has submitted that there are other criminal cases pending against the petitioner and that in the present case also, he is evading arrest as non-bailable warrants of arrest have already been issued to secure his presence.

Keeping in view these circumstances, I cannot accept the contentions of counsel for the petitioner.

The petition has no merit and is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

20.2.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No