

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-25450-2019
Date of decision:4.7.2019

Bhupinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S. Randhawa, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Kapil Sharma, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.70 dated 17.4.2019 under Sections 420, 465, 468, 471, 120-B IPC, Police Station City Rupnagar, District Rupnagar.
2. The FIR was registered at the instance of Vijay Kumar Mahajan against the petitioner-Bhupinder Singh, Rajinder Singh and Tarlochan Singh, wherein it has been alleged that Bhupinder Singh had fabricated Resolution No.16 dated 17.1.2013 and Resolution No.17 dated 18.2.2013 shown to have been passed at 11:30 a.m. at Ropar which purported to be signed by the Directors whereas no such Resolutions had ever been passed by Boards of Directors of the Company. It has further been alleged that in fact as on

17.1.2013 the Directors V.K. Mahajan and Nirmal Mahajan were away to Delhi in connection with the marriage of their niece which was fixed for 19.1.2013 and would be evidenced from the record maintained in the toll plaza as well as from the call record of their mobile phone. It is further alleged that even on 18.2.2013 when Resolution No.17 is stated to have been passed, 4 out of 5 Directors were out of Ropar. It is further alleged that the Directors Ravi Parkash Gupta and Bharat Bhushan Gupta were at Chandigarh on the said day whereas Directors V.K. Mahajan and Nirmal Mahajan were at Amritsar. It is alleged that on the said day V.K. Mahajan had attended case proceedings at Amritsar and that Nirmal Mahajan had also withdrawn an amount of ₹92,000/- from a Bank at Amritsar at 10:56 a.m. necessarily indicating that he was away to Amritsar and was not present in Ropar where the Resolution is alleged to have been passed. It is further alleged that on the basis of forged Resolutions, Rajinder Singh was authorized to execute General Power of Attorney and in fact he executed a General Power of Attorney dated 12.4.2013 in favour of Tarlochan Singh and on the basis of the said General Power of Attorney, Tarlochan Singh executed agreement dated 22.10.2013 selling all the land of the company, all the shares of the company to Bhupinder Singh for a consideration amount of ₹4.81 crores.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no evidence to

show that the Resolutions in question had been forged by the petitioner and that there is no report of any handwriting expert or of any expert which could suggest that said Resolutions were forged. Learned counsel for the petitioner has submitted that in any case the case being mainly based on documentary evidence, the same would not warrant any custodial interrogation. It has also been submitted that at best it is a case of civil liability as had also been found by the police at an earlier stage when the complaint was filed.

4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that facts clearly show the complicity of the petitioner who is all out to grab the property and all the shares of the complainant. It has further been submitted that in fact the petitioner has already been convicted in a murder case wherein he has been sentenced to undergo life imprisonment. It has further been submitted by learned State counsel that the petitioner had earlier filed a civil suit in the Court at Ropar for possession by way of specific performance of agreement dated 11.5.2010 against Raghbir Singh and others which was dismissed by the learned Additional Civil Judge (Senior Division), Ropar upon finding that the plaintiff had committed forgery and in the said judgment dated 31.1.2015 had directed for registration of an FIR against the petitioner and his accomplices. A prayer has thus been made for dismissal of the petition.

5. I have considered rival contentions addressed before this Court and have also perused the reply by way of affidavit of Senior Superintendent of Police, Rupnagar wherein it has been stated that although the Resolution Nos.16 and 17 which are stated to have been passed in the month of January and February, 2013 but the said fact is falsified from the fact that an earlier Resolution No.15 was in fact passed in the month of March i.e. 19.3.2013. It has further been deposed in the affidavit that during the course of investigation Nirmal Mahajan has withdrawn an amount of ₹92,000/- on the basis of withdrawal slip by way of presenting herself in the bank at Amritsar which would also negate her presence at Ropar on 18.2.2013 when the Resolution No.17 is alleged to have been passed. It has further been deposed in the said affidavit that although as per agreement dated 22.10.2013 executed by General Power of Attorney holder Tarlochan Singh in favour of Bhupinder Singh, the entire land of the company, its Directorship and its shares had been sold for an amount of ₹4.81 crores and the consideration amount is stated to have been paid in the agreement dated 9.5.2013, whereas in the agreement dated 9.5.2013 the consideration amount is shown to have been paid in agreement dated 4.2.2013. The aforesaid facts are rather inconsistent inasmuch as if Bhupinder Singh had already purchased land of the company on 4.2.2013, then there was no purpose of passing Resolution No.17 dated 18.2.2013 and further execution of General

Power of Attorney and further execution of agreement dated 22.10.2013. The aforesaid position does tend to *prima facie* show that Resolution Nos.16 and 17 dated 17.01.2013 and 18.2.2013 are forged. The antecedents of the petitioner who is a life convict and against whom a Court of Additional Civil Judge (Senior Division), Ropar while dismissing a civil suit had directed for registering one FIR on the ground that petitioner had committed forgery would also suggest the tendencies of the petitioner to commit forgery. Further bearing in mind the enormity of the fraud, this Court is of the opinion that it is a case where custodial interrogation would certainly be required. There is no special case for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

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

(GURVINDER SINGH GILL)
JUDGE

4.7.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**