

THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34119-2019(O&M)

Date of Order:14.11.2019

Tarlochan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-38505-2019(O&M)

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Randhawa, Advocate,
for the petitioners (in both the petitions)

Mr. SPS Tinna, Addl. A.G. Punjab.

Mr. Kapil Sharma, Advocate,
for respondent no.2.

ANIL KSHETARPAL, J.

By this order, CRM-M-34119-2019 and CRM-M-38505-2019
in which prayer for grant of pre-arrest bail has been made, shall stand
decided.

Co-accused had filed a CRM-M-25450-2019 which was
dismissed on 04.07.2019 by a Coordinate Bench. The facts of the case
noticed in the aforesaid petition, correctness whereof is not disputed are
extracted as under:-

*“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 17.01.2013 and Resolution*

NO.17 dated 18.02.2013 shown to have been passed at 11:30 a, at Ropar which purported to be signed by the Directors whereas no such Resolutions had ever been passed by the Board 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is alleged that on the said day V.K.Mahajan had attended case proceedings at Amritsar and that Nirmal Mahajan had also withdrawn an amount of Rs.92,000/- from a Bank at Amritsar at 10:56 a.m. necessarily indicating that he was away to Amritsar and was not present in Ropar where the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 Rs.4.81 crores.”

On 22.08.2019, petitioners in both the petitions were directed to join investigation while granting them interim protection. First informant has also filed a detailed reply.

This Court has heard learned counsels for the parties at length and with their able assistance gone through the paper book.

On the one hand, learned counsel for the petitioners while drawing attention of the court to the FIR, has stated that at the first instance, police after investigating the complaint submitted by Company-Golden Infrastructure Pvt. Limited was found to be without substance. He further submitted that the petitioners have already joined the investigation

and apparently main allegations are against Bhupinder Singh, co-accused, whose application was dismissed by this court on 04.07.2019, affirmed by the Hon'ble Supreme Court. He further submitted that the petitioners have been falsely implicated in the case and the custodial interrogation of the petitioners shall not be required. It is further submitted that the resolutions No.16 and 17 allegedly passed in the year 2013 by the Board of Directors of the Company are now being claimed to be fake, although, both these resolutions had been duly passed by the Company.

On the other hand, learned counsel appearing for the State very ably assisted by counsel for the first informant-company have submitted that in fact there are no resolution No.16 dated 17.01.2013 and resolution no.17, dated 18.02.2013 as these are neither part of resolution book nor part of record of the Registrar of Companies. They further submitted that on the basis of resolutions dated 17.01.2013 and 18.02.2013, a very valuable property belonging to the company is sought to be transferred. The alleged fake resolution authorises Tarlochan Singh, petitioner-accused to deal on behalf of company. It further enables Tarlochan Singh to delegate his powers in favour of another which was given effect to and Tarlochan Singh executed a General Power of Attorney in favour of Rajinder Singh petitioner-accused. It was further submitted that in fact Bhupinder Singh whose bail application has been dismissed, had manipulated these resolutions by forging the signatures of the Directors, who were not in town on the day these resolutions were purported to have been passed. It is further submitted that the petitioners along with Bhupinder Singh, co-accused had entered into a conspiracy to swindle away the valuable land of the company.

This court has further been informed that Bhupinder Singh after dismissal of the pre-arrest bail application is absconding and the petitioners are required for custodial interrogation, so that the truth can be unearthed.

After considering the arguments of learned counsels for the parties and keeping in view the various litigation pending in the Courts, as also dismissal of application filed by Bhupinder Singh, co-accused, this court is not inclined to grant concession of pre-arrest bail to the petitioners in both the petitions.

In the considered view of this Court, allegations are grave and serious in nature and custodial interrogation would be required to reach at a correct conclusion.

The first complaint in this regard was filed on 13.08.2018, afterwards nearly 1 year and 9 months have elapsed. Hence, investigations in both the cases are required to be completed expeditiously.

In view of what has been recorded hereinabove, both the petitions are dismissed.

14th November, 2019
nt

(ANIL KSHET ARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No