

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

CRM-M No.41417 of 2019
Date of decision: 26.09.2019

Manmohan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Gurna, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 140 dated 06.07.2019 registered under Sections 420, 120-B IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered at the instance of his mother – Bachan Kaur, the petitioner along with the co-accused Satnam Singh took her to Khanna on the pretext that an application is to be given in her name for a petrol pump. The complainant was taken in a room and in the presence of a Numberdar, her photographs were taken. On coming to home, the complainant informed her other son Darshan Singh that the petitioner – Manmohan Singh has taken her thumb-impressions on papers and on enquiry, it came to the knowledge after 13-14 days that a GPA was got registered by the petitioner in connivance with other accused regarding the entire land in favour of the co-accused Satnam Singh and thereafter, Satnam Singh executed a sale

deed in favour of the present petitioner – Manmohan Singh and the same was witnessed by Jagrup Singh and Bhushan Verma.

Counsel for the petitioner has further submitted that in fact the complainant – mother of the petitioner has already filed a civil suit challenging the general power of attorney and the sale deed and thereafter, the FIR has been registered at the instance of his brother – Darshan Singh. It is also submitted that the power of attorney is a registered document which carries a presumption of truth and therefore, the petitioner has not committed any offence and prays for grant of anticipatory bail.

Mr. Harsh Bunger, Advocate, has appeared on behalf of the complainant at his own and opposed the submissions made by counsel for the petitioner on the ground that the FIR has been registered immediately after execution of the general power of attorney in favour of the co-accused Satnam Singh, who executed a sale deed in favour of the petitioner regarding the property of the complainant. It is further submitted that the complainant is an old illiterate lady and her thumb-impressions were obtained fraudulently by the petitioner along with the co-accused – Satnam Singh on the pretext that some applications regarding the petrol pump is to be given. It is also submitted that even before registration of the FIR an enquiry was conducted by the police authorities and based on the said enquiry, the District Attorney has given an opinion that prima facie offences are made out and the present FIR has been registered thereafter. It is also argued that the anticipatory bail application of the co-accused Satnam Singh i.e. CRM-M No.40655 of 2019, already stands dismissed vide order dated 23.09.2019 as the

petitioner – Satnam Singh have conspired to take away the property of the petitioner by ousting the other heirs.

After hearing the counsel for the parties, I find no ground to grant the concession of anticipatory bail to the petitioner, considering the serious allegations against him. The complainant – Bachan Kaur is none other than the mother of the present petitioner, who is an old illiterate lady and in good faith believing that the petitioner want to move some application regarding the petrol pump had accompanied him and the petitioner by playing a fraud and conspiracy with the co-accused Satnam Singh got her GPA executed in favour of Satnam Singh and immediately, thereafter, Satnam Singh executed a sale deed in favour of the petitioner. The FIR has been registered immediately on coming to know about the fraud i.e. after 13-14 days. Mere fact that the complainant has filed a civil suit challenging the aforesaid documents does not make it to be a civil litigation as the intention of the petitioner to cheat and usurp the property of his own mother is apparent and therefore, the custodial investigation of the petitioner is required.

In view of the above, finding no ground, the petition fails and is accordingly dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

26.092019
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No