

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

CRM-M No.429 of 2020

Date of decision: 14.01.2020

Mahima Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vinay Puri, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 83 dated 07.09.2019 registered under Sections 419, 420, 465, 468, 471, 192, 193, 120-B IPC at Police Station Sadar, District Rupnagar.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Tarlochan Singh, it is stated that the land measuring 51 kanals 06 marlas since the time of independence is in the name of one Daulat Ram in village Sanana, Tehsil and District Rupnagar. Daulat Ram is missing and his whereabouts are not known. One Kesar Singh was cultivating the land for the last many years and he has died and now his son Gurpreet Singh is in possession. It is further stated that one Balwinder Singh is a clever person and in order to grab the property, he in connivance with the petitioner – Mahima Singh, Kuldeep Singh and Jaspal Singh, have firstly forged the documents by presenting the petitioner – Mahima Singh as Daulat Ram before the Sub-Registrar by getting a power of

attorney dated 24.08.2011 executed in favour of Jaspal Singh. Kuldeep Singh was a witness to the power of attorney and thereafter, on the basis of the agreement to sell, a civil suit was filed in which Balwinder Singh and Jaspal Singh did not appear and by obtaining an ex parte decree, they in connivance with each other have got the mutation of the land entered in their favour.

Counsel for the petitioner has further argued that the petitioner is not the beneficiary and therefore, he is entitled for anticipatory bail.

Counsel for the State, on instructions from Makhan Singh, has opposed the prayer for bail on the ground that the photograph of the petitioner showing himself as Daulat Ram is available on the record in the office of Sub-Registrar and apart from that there is other documentary evidence to show that he in connivance with co-accused Balwinder Singh has committed the fraud.

After hearing the counsel for the parties, I find no ground to grant anticipatory bail to the petitioner as there are direct allegations against him that the petitioner in connivance with the co-accused Balwinder Singh has committed the fraud.

Accordingly, the present petition is dismissed.

However, it is directed to the District Magistrate, Rupnagar to look into the revenue record relating to the property owned by Daulat Ram as it appears in the FIR that he is not survived by any of his legal heirs and therefore, he will take an appropriate action for filing a suit within a period of 03 months from the date of receipt of certified copy of this order to find out as to whether this property should escheat in favour of the State.

The Registrar General of this Court is also directed to communicate this order to the District Magistrate, Rupnagar, at the earliest.

(ARVIND SINGH SANGWAN)
JUDGE

14.01.2020
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No