

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

**CRM-M-8296 of 2020 (O & M)  
Date of Decision:-04.03.2020**

Palwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. R.S. Sihota, Sr. Advocate with  
Mr. Amit Kumar, Advocate  
for the applicant-petitioner.

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

Mr. Ajiteshwar Singh, Advocate  
for the complainant.

**JASGURPREET SINGH PURI J.(Oral)**

**CRM-8199-2020**

Allowed as prayed for.

**CRM-M-8296-2020**

Petitioner-Palwinder Singh has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 113 dated 04.11.2019, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City Nakodar, District Jalandhar.

Learned senior counsel for the petitioner assisted by Mr. Amit

Kumar, Advocate has submitted that in the present case the petitioner has been wrongly roped and the petitioner was only a marginal witness to the General Power of Attorney and the Sale deeds which were executed in pursuance of the said General Power of Attorney and he had signed the documents in good faith. He has further submitted that he was known to Devinder Singh Walia and it was due to good faith that he had identified the person who had impersonated the original owner namely Usha Rani. He has further submitted that in fact the actual identification was done by two Lambardars, namely, Brij Mohan Bhatia, Lambardar Nakodar and Sulakhan Singh, Lambardar, Seham and not by him. He has further relied upon the order dated 12.2.2020 passed by this Court in CRM-M-4914-2020 titled 'Harjit Singh vs. State of Punjab', where one of the co-accused has been granted interim anticipatory bail by this Court.

The allegations in the present case are that there was one Usha Rani who was admittedly owner of 1½ acres of land, who was impersonated by one Sarabjit Kaur and consequently a power of attorney with respect to the aforesaid land was executed in favour of one Devinder Singh Walia, who is stated to be the main accused in the present case and who is in custody as of now. In pursuance of the said fake power of attorney the land was sold by Davinder Singh to the complainant and on coming to know about the fraud, the complainant lodged the present FIR. The learned senior counsel has also placed on record a Sale deed as Annexure P-4 by way of filing a criminal miscellaneous application, which was executed by Devinder Singh Walia, as the power of attorney, in favour

of the complainant. In nutshell the argument of learned senior counsel is that the fact that he was signatory to the sale deeds would not be presumed that he had identified the person who had executed the power of attorney, hence he may be admitted to anticipatory bail. He has further submitted that all the documents have been supplied to the police and therefore, his custodial interrogation is not required.

*Per contra* learned state counsel on instructions from the investigating officer has submitted that it is a case where Usha Rani was impersonated by one Sarabjit Kaur and the petitioner is not only the signatory as a witness in the General Power of Attorney but he is also signatory in not one but three sale deeds which were executed in pursuance of the said power of attorney and a perusal of the said sale deeds would show that he had, in all the three sale deeds, identified both the parties which had been specifically mentioned there.

Learned counsel appearing for the complainant has also drawn my attention towards the vernacular form of the said sale deeds. Apart from that, one is the translated sale deed, which has also been attached by learned counsel for the petitioner. It is specifically mentioned in all the three sale deeds that the petitioner had identified both the parties. Therefore, both the learned State counsel and learned counsel for the complainant oppose the grant of anticipatory bail to the petitioner.

I have heard learned counsel for the parties and have perused the records as well as the vernacular form of the sale deeds, which have been produced in the Court by the learned counsel for the complainant.

Copies of these documents be placed on record at an appropriate place in the paper book and be paged accordingly.

Perusal of the above would show that the petitioner has in fact identified, not in one but in three sale deeds, both the parties and he is also a witness to the General power of Attorney. The argument of learned counsel for the petitioner that the co-accused has been granted interim bail, is of no avail because the said co-accused Harjit Singh is not in parity with the petitioner as he was not a signatory to the sale deeds and the only allegation against him was that some amount of money was transferred in his favour by Devinder Singh Walia, he was granted interim protection. However, in the present case the petitioner was a signatory as a witness to the General Power of Attorney and he was also signatory as a witness in three sale deeds which were executed in pursuance of said Power of Attorney and he has specifically identified both the parties. It is an admitted case of the parties that the land measuring 1½ acres belonged to Usha Rani and it did not belong to Devinder Singh Walia and so far the fact concerning that the land did not belong to Devinder Singh Walia and Power of Attorney is forged, is not disputed.

Therefore, considering the totality of facts and circumstances, especially with regard to the fact that the petitioner had become signatory to the General Power of Attorney and also three sale deeds which were executed in pursuance of said General Power of Attorney by identifying both the parties, there is force in the argument of learned State counsel that his custodial interrogation is certainly required in the present case. It is

settled law that grant of concession of anticipatory bail is to be exercised with due care and caution and it would be exercised when the conscience of the Court is satisfied that the petitioner, who is seeking anticipatory bail, is victim of abuse of the process of law and has been falsely implicated in a case. However, the documents here would prima facie show that the petitioner had been signatory in all the four documents, which have been stated above and therefore without commenting and observing anything on the merits of the case, I deem it fit and appropriate not to interfere in the present case and consequently the present petition is dismissed.

March 04, 2020  
Vijay Asija

**( JASGURPREET SINGH PURI )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes / No  
Yes / No