

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

CRM-M-8438-2020

Date of decision:-13.3.2020

Kesar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.J.S. Grewal, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Kesar Singh, an accused in FIR No.05 dated 23.1.2020 for the offences under Sections 420, 465, 467, 468, 471 IPC, registered at Police Station Sadar, Rupnagar.

Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Charanjit Singh, who in his statement got recorded with the police stated that Harjit Singh son of Vasudev Singh has given power of attorney to him to take care of and manage the agricultural land in the name of Vasudev Singh situated at village Dangoli, Tehsil and District Rup Nagar (Punjab), however the complainant came to know that Sawaran Singh son of Joginder Singh in connivance with his associates

had got the said land transferred in his name since Swaran Singh knew that Vasudev Singh was not residing in the village since long and nobody was there to look after his landed property; as a matter of fact Vasudev had died on 11.2.2003. After registration of the FIR, the investigation in case was started, which revealed that petitioner – accused Kesar Singh had got power of attorney executed in his favour by somebody impersonating as Vasudev with regard to the landed property standing in the name of Vasudev and thereafter on strength of that power of attorney he sold that property.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Rupnagar vide order dated 18.2.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

The allegations against the petitioner are very grave and serious having procured power of attorney in his favour alleged to have been executed by Vasudev on 18.12.2006 when Vasudev had died on 11.2.2003 and could not have possibly executed the power of attorney in favour of the present petitioner. Thereafter, the present petitioner on strength of that power of attorney had sold the landed property of

Vasudev. The present petitioner was involved in another case having somewhat similar facts and he had been convicted by Judicial Magistrate Ist Class, Runagar in that police challan No.RT 172 of 19.8.2008/20.4.2011 titled State Versus Kesar Singh, though on appeal, he was acquitted by giving him benefit of doubt.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation so as to unfold the complete story as to how and under what circumstances the conspiracy was entered into and executed, the persons involved therein and role played by each one of them in the criminal transaction. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

13.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No