

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

CRM M- 14776 of 2020 (O&M)

Date of Decision: August 24, 2020

(1) Dilbagh SinghPetitioner
Versus
State of Punjab Respondent

CRM M-22484of 2020 (O&M)

(2) Sulakhan Singh @ SukhaPetitioner
Versus
State of Punjab Respondent

CRM M-21827 of 2020 (O&M)

(3) Sukhpal SinghPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Jasdeep Singh, Advocate
for the petitioners in CRM M-14776 of 2020 and
CRM M-21827 of 2020.

Mr. Vinay Puri, Advocate

for the petitioner in CRM M-22484 of 2020.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

The above detailed two regular bail applications both under Section 439 Cr.P.C. one by Dilbagh Singh being second one the first one having been dismissed as withdrawn on 04.06.2020 and second by Sulakhan Singh @ Sukha and third by Sukhpal Singh for anticipatory bail under Section 438 Cr.P.C. having been moved in FIR No.47 dated 13.02.2020 under Sections 419, 420, 465, 467, 468 and 471 IPC registered at Police Station City Sohana, District SAS Nagar, Mohali are being taken up together for disposal for the sake of brevity.

The brief allegations by complainant Deepa Rawat against Sulakhan Singh @ Sukha, Joga Singh, Sukhpal Singh and Jagjiwan Singh are that plot of land was owned by her husband and his first wife deceased Rajwinder Kaur which is located at village Ballomajra. Rajwinder Kaur died in the year 2002 and the complainant entered into a wedlock with Gurwinder Singh. It was, subsequently, revealed that all the

accused by impersonation, forgery and fabrication got a power of attorney of the owner in favour of Sulakhan Singh @ Sukha and in the year 2017 Sulakhan Singh @ Sukha sold this property in favour of Joga Singh who further sold it in favour of accused Jagjiwan Singh and these sale deeds were out of conspiracy between the accused to defeat the rights of the owners.

Mr. Jasdeep Singh, learned counsel for the petitioners Dilbagh Singh and Sukhpal Singh *inter alia* contends that his clients/accused petitioners are in custody since 27.02.2020 and it is nowhere disclosed as to who were the actual persons and in fact accused have been falsely implicated by mere suspicion and there is no semblance of evidence to connect them with the commission of offence.

Mr. J.S. Ghumman, DAG, Punjab learned State counsel has opposed the bails on the grounds that all the petitioners have played active role in the commission of the offence and, therefore, the accused who are in custody be not released as they will influence the trial and that the custodial interrogation of accused/petitioner Sukhpal Singh is required to recover the original forged power of attorney.

Appreciating the submissions made on behalf of both the petitioners Dilbagh Singh and Sulakhan Singh @

Sukha who are in custody for almost 06 months and that the investigations and the trial are not likely to be concluded at an early date and culpability, if any, shall be decided at the time of the trial and further in the light of the present COVID-19 pandemic, this Court deems it appropriate to allow the bail of both these accused. Accordingly, the petitioners Dilbagh Singh and Sulakhan Singh @ Sukha are ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned

However, it is made clear that consequent upon the arrest of accused Sukhpal Singh these petitioners if required shall again appear before the Investigating Officer for comprehensive investigations qua the power of attorney.

In case of Sukhpal Singh, it has been vehemently argued by the learned State counsel that recovery of the original power of attorney is to be made from him and in the light of this and the fact that has come before this Court that being the pivot of this entire criminal nexus custodial interrogation of accused Sukhpal Singh is very much essential. Moreover, the powers under Section 438 Cr.P.C. are to be sparingly used and finding no merits, the anticipatory bail application moved by accused Sukhpal Singh stands dismissed

However, it is made clear that anything observed

herein shall not be construed as an expression of opinion on the merits of the case.

Disposed off accordingly.

August 24, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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