

CRM-M-17494-2020

Date of decision: 15.07.2020

Jaswinder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. S.P.S. Aulakh, Advocate
for the petitioner.Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The present case by way of FIR No.10 dated 11.02.2020 under Sections 419, 420, 465, 467, 468 and 471 of the Indian Penal Code registered at Police Station Maloud District Ludhiana was got registered on the complaint of Charankamal Singh, who happens to be grandson of deceased-Gurdial Singh. It is alleged that a shop under the tenancy of the family of the accused was fraudulently transferred through impersonation as a consequence of criminal conspiracy hatched between the family of the accused and which

shop was further transferred in the name of the others and subsequently through various illegal designs went in the name of other persons and when the offence was revealed, the present case was got registered against Bachittar Singh, Major Singh, Karnail Singh, Sandeep Singh and Jaswinder Singh, the present petitioner.

Learned counsel for the petitioner *inter alia* contends that petitioner is not a signatory of the sale deed which has been got executed by Bachittar Singh, co-accused and at that time, the petitioner was only aged around 19/20 years and has no role to play in the commission of the offence.

The learned State counsel has stoutly opposed the grant of bail on the grounds that the registered sale deed was got executed on 08.04.1995 purported to have been done by the owner-Gurdial Singh, who, in fact, had died much earlier on 08.03.1989 and, therefore, there is clear cut element of impersonation, forgery and fabrication and, therefore, custodial interrogation is very much essential as the petitioner happens to be the beneficiary.

From the submissions of the two sides, it is clear that it is much after the death of the owner, the transfer has come about when the transfer document shows that Gurdial Singh, deceased, was very much alive and therefore, it is in itself suggestive of the impersonation that has come about at the behest of the accused family who are the beneficiaries of the same.

Keeping in view that the accused is the beneficiary and a

serious offence has come about and also his custodial interrogation is very much required, finding no merit, the present petition stands dismissed.

Dismissed.

15.07.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No