

CRM-M-37431 of 2020
Date of Decision: 16.11.2020

Lakhbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGHPresent: Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional AG, Punjab.

AMOL RATTAN SINGH, J.(ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks grant of anticipatory bail in FIR No.54, dated 20.04.2018, registered under Sections 419, 420, 467, 468, 471, 120-B IPC, 1860, at Police Station Beas, District Amritsar (Rural).

This is in fact second petition filed by the petitioner seeking the same concession, as the first petition bearing no. CRM-M-27207 of 2018, was dismissed on 17.09.2018, by this court (coordinate bench).

Learned counsel for the petitioner submits that two co-accused of the petitioner, i.e. Daljit Kaur and Balkar Singh, having been already admitted to anticipatory bail by this Court (this very Bench), vide orders passed in the petitions filed by them on 08.11.2019 and 06.12.2019 respectively, the petitioner deserves the same concession on parity with those co-accused.

Whereas otherwise learned counsel may have been correct in his contention, however, what is to be noticed is that Balkar Singh is the person who impersonated Jagpreet Singh, who is stated to have been living abroad, and Daljit Kaur being the mother of Jagpreet Singh, those persons were granted bail by this court on noticing that Jagpreet Singh had in fact

executed an affidavit that he had authorized his mother to do all acts qua his land/his share therein. Therefore, simply because there was no fraud play qua the land itself, as regards the person who was the owner thereof and in fact the sale deed which was sought to be executed qua such land, was not executed, those persons were admitted to anticipatory bail, with this court observing in Balkar Singh's case (CRM-M-43540-2019), that the order would not be treated to be an observation of the court on merits, but only in view of the fact that the investigating agency had itself stated that it did not require the custodial interrogation of the petitioner, which is also in the case of Daljit Kaur, upon both those persons having joined the investigation.

In the present case, the petitioner is admittedly the *Lambardar* of the village, who identified Balkar Singh as Jagpreet Singh before the Registrar/Sub Registrar concerned, i.e. the Tehsildar, thereby abdicating the responsibility cast upon him by the office he holds.

Hence, he cannot be treated on par with those persons who otherwise may not have been admitted to absolute bail by this court but for the statement made by the police itself.

Consequently, finding no merit, the petition is dismissed.

However, upon the petitioner surrendering and making any application under the provisions of Section 439 Cr.P.C., such application would be decided expeditiously by the court concerned.

(Amol Rattan Singh)
JUDGE

November 16, 2020
Manpreet

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