

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

(202)

CRM-M-10427-2021.
Date of Decision:-11.11.2021.

Gobind Rai

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No.264 dated 18.11.2020, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station Division No.7, Jalandhar.

On 15.09.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.264 dated 18.11.2020 registered under Sections 419, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station Division No.7, Police Commissionerate Jalandhar.

CRM-M-10427-2021

Learned counsel for the petitioner inter alia contends that in fact, in the present case, the petitioner had attested the sale deed dated 23.11.2004 which had been executed by Ashok Kumar in favour of Vinod Kumar and as far as the sale deed is concerned, there is no allegation that there was any impersonation at the time of executing of sale deed. It is further submitted that as per the prosecution case, although in the General Power of Attorney dated 21.04.2004, Harbans Kaur was stated to have been impersonated but the petitioner ultimately had not attested the said General Power of Attorney and it was Bachan Singh Lambardar, who had attested the same. Reliance has been placed upon letter dated 29.04.2021 (Annexure P-7) from the office of Sub-Registrar, Jalandhar-I, approving the fact that the petitioner had cut off his name from the alleged General Power of Attorney.

Learned counsel for the petitioner has further submitted that in fact, there is a gap of 7 years in the execution of General Power of Attorney and the sale deed and thus, it is humanly not possible to remember all the transactions which took place. In any case, in the sale deed dated 23.11.2004, there is no impersonation.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

CRM-M-10427-2021

Adjourned to 11.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation.

Learned State counsel, on instructions from Inspector Manmohan, submits that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the above-said facts and circumstances, moreso, the facts noticed in the order dated 15.09.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for grant of anticipatory bail is allowed and the interim order dated 15.09.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 11, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No