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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7164 of 2019(O&M)

Date of Decision:15.09.2021

Balkar Singh @ Balkar Singh CheemaPetitioner

Vs

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Ms. Sheenam Kamboj, Advocate for
Mr. Sarju Puri, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.5 dated 19.01.2019 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar.

On 15.02.2019, following order was passed by the Co-ordinate Bench:-

“Learned counsel for the petitioner submits that although the allegations in nut-shell in the FIR are to the effect that a forged power of attorney had been prepared/purporting to have been executed by Ram Lal in favour of one Som Nath who further executed a sale deed in favour of his son and wife but the petitioner

cannot be connected with the alleged forgery in any manner as he is neither a beneficiary nor an attesting witness either of the sale deed or General Power of Attorney.

*Notice of motion for **15.05.2019**.*

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

**(GURVINDER SINGH GILL)
JUDGE”**

15.02.2019

Gaurav Sorot

As per status report filed by way of short affidavit of Raj Kumar, PPS, Deputy Superintendent of Police, Crime Against Property, SBS Nagar, whereabouts of Ram Lal i.e. real owner of the property in question and his LRs are not known, despite best efforts made by the police. Police has recorded the statements of Harjeet Singh, Sarpanch of Panchayat Halqa Karloop and Smt. Gurmeet Kaur acting Sarpanch of Panchayat Halqa Chatha. According to their statements, no such person ever resided in the villages. Police has already joined one Ashwani Kumar in the inquiry, who stated that Ram Lal was real brother of his grand-father namely Brij Lal and he had gone

abroad prior to his death. Reply is silent about the death of Ram Lal (if any).

The fact remains that the police could not verify the whereabouts of the owner of the property and his legal representatives (if any) till date. The property has been sold by way of attorney, which is allegedly to be forged power of attorney.

Learned State counsel on instructions from ASI Pushpinder Kumar who is present in Court along with relevant record submits that the petitioner has joined the investigation and even challan has been submitted before the trial Court.

In view of aforesaid factual position, custodial interrogation of the petitioner is not required. Interim order dated 15.02.2019 is made absolute. Petitioner shall keep on appearing before the trial Court regularly.

Petition stands disposed of.

15.09.2021

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No