

**101+103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-15563-2021 in/and
CRM-M-19606-2021
Date of decision: 28.05.2021

Baldev SinghPetitioner

versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Aman Sharma, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for respondent No.1-State.

Mr. M.S. Batth, Advocate
for the complainant/respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

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

CRM-15563-2021

Heard.

In view of the averments made in the application and in
the interest of justice, the application is allowed. Document as
additional affidavit of the petitioner is taken on record.

CRM stands disposed off.

CRM-M-19606-2021

The petitioner-Baldev Singh, *Namberdar* of the village is accused of having colluded with the co-accused-Ramesh Kumar and in the revenue record, reflected that the latter is the sole legal heir of deceased-Ram Sarup and, thus, managed to transfer the land of the deceased in favour of the co-accused-Ramesh Kumar.

The present complaint was lodged by sister of Ramesh Kumar, one of the co-heirs, entitled to inherit the estate. The contentions of learned counsel for the petitioner that the petitioner is a senior citizen and has to look after his aged wife and is suffering from various ailments, further contending that the deceased resided in Delhi and because of lack of information, the petitioner acted on the basis of information, so provided to him and has no *mens rea* in the commission of the offence.

The learned State counsel assisted by counsel for the complainant has strongly opposed the grant of relief on the grounds that it was clear cut fraud by the accused upon the legitimate heirs of the deceased by usurping the property and immediately selling it off to one, Surinder Pal Sidhu and, therefore, sought custodial interrogation of the petitioner.

The arguments of learned counsel for the petitioner that nothing is to be recovered from the petitioner as the documents are already in the custody of the police.

Appreciating the submissions of the two sides, admittedly, being a responsible revenue official of the village, the petitioner had been instrumental in intentionally and willfully making/attesting wrong family tree, thus, depriving the legitimate heirs of their right to inherit the estate of deceased-Ram Sarup.

The entire gamut of the conspiracy and the manner in which there is manipulation in the revenue records, needs to be thoroughly investigated, for which custodial interrogation is very much essential and, thus, finding no merits, the present petition stands dismissed.

28.05.2021

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No