

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRM-M-28578-2021
Date of decision: 18.08.2021

Sewa Singh

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev K. Virk, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab
for the respondent-State.

Mr. Amrit Kumar Saini, Advocate
for the complainant.

...

SUVIR SEHGAL, J.

The hearing of the petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

CRM-23501-2021

Prayer made in the application is for placing on record Annexures P-8 to P-14.

Application is allowed.

Annexures P-8 to P-14 are taken on record.

CRM-M-28578-2021

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in FIR No.72 dated 11.06.2021, registered for offences under Sections 406 and 420 of the Indian Penal Code, 1860, at Police Station Navi Baradari, Jalandhar, (Annexure P-5).

As per the prosecution case, Sewa Singh, petitioner herein, presented himself to be the Power of Attorney holder of Balwinder Kaur wife of late Gurdeep Singh and executed an Agreement to Sell with the complainant, Sunil Kumar on 15.04.2021 for sale of 20 Kanals (272 Sq. Feet) plot of land and received Rs.30 lacs from him. When the complainant came to know that Sewa Singh had executed another Agreement to Sell for the said piece of land with Dev Raj and Ishwar Chand, he confronted him, asked him to return the money or to execute the Sale Deed, and lodged the FIR (Annexure P-5).

I have heard the respective submissions of the counsel for the parties.

During the course of arguments, it has been brought forth that when Balwinder Kaur came to know that the petitioner is duping innocent people by acting as her Attorney on the basis of a forged document, she executed a Revocation Deed on 01.07.2020, which deserves to be noticed and is reproduced hereunder:-

“REVOCATION DEED

Valid for Distt. Jalandhar only
I, Mrs. Balwinder Kaur, wife of Late Gurdeep Singh & Daughter of Late Sucha Singh, holder of Indian Passport No. U0552006 issued on the 23rd June 2020 at Birmingham, UK at present resident of 26 Bradley Lane, Wolverhampton, WV14 8EP, United Kingdom do hereby declare that I Revoke and Cancel the Power of Attorney which was fraudulently made under Document No.2018-19/32/4/226 dated 4th December 2018 by Mr.Sewa Singh son of Charnjit Singh at present resident of Dntar Nagar No.I, Rama Mandi, Ladhewali, Jalandhar, Punjab, India in which he appointed himself to act on my behalf in connection with all my movable and immovable land and properties situated in India.

The above named person was never appointed by me and I would like the fraudulent Power of Attorney dated 04.12.2018, which he made without my consent to be cancelled with immediate effect. Mr. Sewa Singh is not authorised to take any action what so ever against any of my land or properties situated in Inida.

The person mentioned above was never authorised by me. I hereby give clear instructions to remove Mr. Sewa Singh against any Power of Attorney held against my name. Therefore I hereby give notice of

my revocation of the Power of Attorney which was fraudulently made by him. Mr. Sewa Singh is not authorised to act on my behalf in any Government Departments or any Authority concerning my land and properties situated in India.

The power of Attorney in the name of Mr. Sewa Singh son of Charnjit Singh stands revoked, cancelled, ineffective and with out force. In Witnesses where of I have executed and signed this Revocation Deed in the presence of the under mentioned witnesses:

Signed as a Deed by *Sd/-
Mrs. Balwinder Kaur*

On this ____ day of June 2020

*Seal & Photo of
Paramjit Kaur Deol,
Notary Public and
Commissioner of oaths*

Witnesses

*1) Sd/-
Executive Officer
N.P.Legal Services
154-Soho Road, Birmingham
B21 9LN (United Kingdom)*

*2) Sd/-”
Executive Officer
N.P.Legal Services
154-Soho Road, Birmingham
B21 9LN (United Kingdom)*

BEFORE ME

SD/-

NOTARY PUBLIC

*(Paramjit Kaur Deol, Notary Public
and Commissioner of Oaths
154 Soho Road, Birmingham,
B21 9LN, England, (UK)
E-mail: ---Illegible
01.07.2020”*

From the above it is evident that the petitioner not only forged the

Power of Attorney of Balwinder Kaur, but even cheated the complainant and Dev Raj and Ishwar Chand, of huge amount of money.

In the above background, the argument of the counsel for the petitioner that the dispute is of a civil nature does not hold any water and the fact that the petitioner was reported to be Covid-19 positive in September 2020, is not a sufficient ground to grant bail. The forged Agreement to Sell and the cash fraudulently taken by the petitioner are yet to be recovered for which purpose the custodial interrogation of the petitioner is imperative.

Keeping in view the above facts and circumstances, this Court is of the opinion that the concession of anticipatory bail cannot be extended to him. It also deserves to be noticed that the petitioner has been involved in as many as 15 cases, though it has been claimed by counsel for the petitioner that the petitioner has been acquitted/discharged in all of them.

Petition is accordingly dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

18.08.2021
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes