

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

**(I) CRM-M-24580-2020 (O&M)**

Jaswant Singh Nambardar & another ...Petitioners

Versus

State of Punjab ...Respondent

**(II) CRM-M-25868-2020 (O&M)**

Gurmail Singh ...Petitioner

Versus

State of Punjab ...Respondent

**Date of Decision: 01.09.2021**

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. D.S.Gurna, Advocate,  
for the petitioner/s.

Mr. Ajay Pal Singh Gill, DAG, Punjab,  
assisted by ASI Amrik Singh.

*(proceedings conducted through video conferencing)*

**GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the aforesaid two petitions i.e. CRM-M-24580-2020 filed on behalf of Jaswant Singh Nambardar and Santokh Singh as well as CRM-M-25868-2020 filed on behalf of Gurmail Singh, seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.268 dated 02.08.2020 at

Police Station Sadar, Dhuri, District Sangrur, under Sections 420/465/467/468/471/120-B IPC.

2. The FIR in question was lodged at the instance of Rajwinder Kaur, wherein it is alleged that her husband used to remain sick and was addicted to liquor. After death of his first wife, the complainant's husband had transferred 40 bighas of land in her name. However, her husband's sister Balbir Kaur wanted to grab the said land. It is alleged that in the year 2019, when complainant's husband Balbir Singh was seriously ill, he was taken by his sister Balbir Kaur, where in connivance with other accused and by way of taking undue advantage of his inebriated state, an 'agreement to sell' (dated 23.01.2019) was executed, wherein it has shown that he has agreed to sell 53 bighas of land in favour of Gurmail Singh. It is alleged that upon enquiries, it transpired that the stamp papers on which the agreement to sell had been prepared were in fact purchased from the Stamp Vendor on 21.08.2019, whereas the agreement to sell has been ante dated and bears the date as 23.01.2019, which would clearly show that a forged document has been prepared and used by the accused.
3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the instant case on account of there being some dispute between the close relatives. It has further been submitted that in any case it would be a matter of evidence as to whether the agreement to sell in question is forged or is a genuine agreement and that the instant case is not such where custodial

interrogation of the petitioners would be required. It has also been submitted that in fact Gurmail Singh himself had been duped of huge amount paid as earnest money and that the other two petitioners, namely, Jaswant Singh and Santokh Singh are merely witnesses to the agreement to sell in question.

4. Opposing the petition, learned State counsel has submitted that the fact that the agreement in question is a forged one is clearly evident as the stamp papers were on which agreement dated 23.01.2019 has been drafted were in fact issued somewhere in the month of July/August, 2019, which is an inconsistency, which cannot be overlooked and would only show that a forged agreement has been prepared. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and are not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it is apparent that it is a case based mainly on documentary evidence for which custodial interrogation of the petitioners would not be required particularly when they have already joined investigation. Both the petitions, as such, are accepted and the interim directions issued by this Court vide order/s dated 27.08.2020 in CRM-M-24580-2020 and 03.09.2020 in CRM-M-25868-2020 are hereby made absolute subject to the condition that the petitioners shall join 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**

**01.09.2021**

Vimal

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