

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33007-2021 (O&M)

Date of Decision:- 26.8.2021

Rajender Singh

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen S. Bhardwaj, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Virender.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No. 301, dated 8.10.2020, Police Station Civil Lines, Bhiwani, District Bhiwani, under Sections 467, 468, 419, 420, 120-B IPC.
2. The FIR was lodged at the instance of one Rajpal Singh wherein it is alleged that he is a resident of village Kusumbhi and that a piece of land measuring 50 kanals 13 marlas situated in the village which was

originally owned by Jaswant Singh of their village has been transferred by way of release deed in favour of his wife by way of impersonation inasmuch as one Rajender Singh had impersonated as Jaswant Singh and had forged the signatures. It is further stated therein that said Rajender Singh happens to be *Jija* (brother-in-law) of Jaswant Singh. It is further stated therein that in fact in the release deed even the photograph of Rajender Singh had been fixed in place of Jaswant Singh. It is further alleged therein that one Sunil of village Kusumbhi is shown to be a witness of the said transaction wherein there is no such person residing in the village and in fact it is Sunil S/o Daulat Singh r/o Village Sungarpur, who had appeared as a witness. It is further alleged that on the basis of the said release deed executed on the basis of impersonation even mutation has been sanctioned.

3. Learned counsel for the petitioner submits that a false FIR has been lodged in the instant case on account of some kind of village rivalry as the complainant happens to be distantly related to the petitioner and belongs to the same village. It has been submitted that in fact the complainant has no *locus standi* to lodge the FIR especially when Jaswant Singh himself had never chosen to make any complaint while he was alive. It has been submitted that while the release deed was executed in the year 2001, Jaswant Singh expired in the year 2011.
4. Learned counsel has further submitted that Jaswant Singh in fact acknowledged the said release deed inasmuch as he himself while

acting as attorney of his wife had sold a part of the land in question in the year 2006.

5. Opposing the petition, learned State counsel has submitted that since it has been found that the signatures of Jaswant Singh as existing on the release deed were forged and in fact even the photograph of Rajender Singh-petitioner was there instead of the real owner Jaswant Singh, it is very much apparent that release deed had been executed by way of impersonation. Learned State counsel has however, submitted that the power of attorney executed by wife of Jaswant Singh in favour of Jaswant Singh has been got checked and it has been verified that the same was duly executed in his favour and on the basis of which the sale deed was executed in the year 2006.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that while the release deed was executed in the year 2001, the FIR came to be lodged after 20 years i.e. in the year 2020. It also transpires that Jaswant Singh remained alive for about a decade after execution of the release deed in the year 2001 and he never chose to make any complaint. Rather he, while acting as an attorney of his wife, had sold a part of the land in question. The power of attorney executed by wife of Jaswant Singh in favour of Jaswant Singh has been found to be genuine.
8. Having regard to the aforesaid facts and circumstances, this Court finds that the case which has been lodged belatedly is mainly based on the documentary evidence which has already been collected by the police. In these circumstances custodial interrogation of the

petitioner is not warranted. The petition, as such, is accepted and in the event of arrest, the petitioner be released on 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 Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

26.8.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No