

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

CRM-M-38078-2021 (O&M)
Date of Decision:- 22.9.2021

Om Parkash Mattu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjiv Gupta, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Harjeet Singh.

(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 vide FIR No.156, dated 5.5.2021, Police Station Thanesar City, District Kurukshetra, under Sections 419, 420, 467, 471 IPC.
2. The FIR was lodged at the instance of Jatin Verma s/o Tarsem Lal wherein it is alleged that his mother Kavita had committed suicide on 22.5.2013 on account of illicit relations of complainant's father

Tarsem Lal with one Manjit Kaur. After death of complainant's mother, the father of complainant started residing with Manjit Kaur. Subsequently on 18.3.2015 Manjit Kaur while impersonating as Kavita executed a sale deed in a fraudulent manner in favour of complainant's father Tarsem Lal and in fact on the sale deed it is the photographs of Kavita which had been affixed.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused subsequently having attested the sale deed in question being Namberdar of the village. It has been submitted that the petitioner has not benefited in any manner from the sale deed in question and that as of now even the complainant's father has expired and upon his death his property has been inherited by the complainant, his sister and his other brother and that no part of the property has been inherited by Kavita. Learned counsel has further submitted that the petitioner being a Namberdar is more or less under an obligation to attest the documents pertaining to his village and that he had no intention whatsoever to commit any forgery or any fraud.
4. Opposing the petition, learned State counsel has submitted that since the facts on the face clearly shows that a transaction pertaining to sale of property had been effected in respect of property of Kavita after she had already expired, by way of impersonation and the petitioner being Namberdar has incorrectly identified the imposter as Kavita who was in fact dead, no case for grant of anticipatory bail is made out.

5. I have considered rival submissions addressed before this Court.
6. The manner in which the property of Kavita has been transferred after her death by way of impersonation clearly points out towards the complicity, not only of the beneficiary in whose favour the sale deed was executed but also tends to show that even the attesting witness who happens to be Namberdar of the village had a role to play as a Namberdar of the village would normally be well aware of the deaths in the village. In the instant case, the death of Kavita had taken place two years prior to the day when the sale deed was executed and in these circumstances the petitioner who is a Namberdar and has attested the sale deed in question cannot feign ignorance about the factum of death of Kavita. As such, no case for grant of anticipatory bail is made out.
7. The petition is sans merit and the same is dismissed.
8. It is however, clarified that in case the petitioner choses to surrender before the trial Court within a period of 10 days from today and moves an application for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously, preferably within a period of one week from filing of such application.

22.9.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No