

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CRM-M-42377-2021

Date of Decision : October 08, 2021

Baljit Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S. Khurana, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.0046 dated 29.05.2021 registered under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Narot Jaimal Singh, District Pathankot.

Learned counsel for the petitioner submits that the allegations in the FIR are that somebody impersonated the complainant Neelam Kumari so as to sell her land and as per the allegations the person who impersonated Neelam Kumari, was brought by the petitioner along with his father. Learned counsel for the petitioner further submits that the petitioner has nothing to do with the said incident as the petitioner is neither the signatory nor the beneficiary of the said sale in any manner, which sale is being termed as a fraud and hence, as the petitioner is ready to join the

investigation and cooperate with the same, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that it was the petitioner, who brought the lady, who impersonated Neelam Kumari and as now as his father has unfortunately died, the petitioner is trying to escape his liability by putting the blame upon his father by stating that he and his father were at loggerheads. Learned counsel for the respondent-State further submits that the proceeds, which were received from the said fraudulent sale, are yet to be recovered and even the person who impersonated Neelam Kumari, while selling the land belonging to the complainant, is yet to be identified and arrested, for which the custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioner are serious in nature. A property belonging to the complainant has been sold by impersonation. The allegations are clear that the petitioner along with his father had done the alleged fraudulent act. The amount received in pursuance to the said fraudulent sale is yet to be recovered and the person who impersonated Neelam Kumari while selling the property belonging to the complainant, is yet to be identified and arrested in the investigation.

Further, this is not a case, where allowing the petitioner to join into investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in **State represented by the C.B.I. Vs. Anil Sharma, 1997(4) R.C.R.(Criminal) 268**, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail. In the present case, the allegations against the petitioner are that the person who impersonated Neelam Kumari was brought by the petitioner along with his father, hence the police has to be given an effective hand to elicit the truth in the present case, which can only be done by the custodial interrogation of the petitioner.

In the facts and circumstances of the present case, the custodial interrogation of the petitioner is necessary to find out the truth behind the allegations especially the establishment of the identity of the petitioner, who had impersonated Neelam Kumari while executing the sale deed.

No ground is made out to grant the petitioner the benefit of anticipatory bail.

Dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

October 08, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No