

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105) CRM-M-48532-2021
Date of Decision : November 18, 2021

Simarjit Singh @ Simra ..Petitioner

Versus

State of Punjab ..Respondent

(105-A) CRM-M-48536-2021

Rajinder Singh alias Nikka ..Petitioner

Versus

State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Navjot Singh, Advocate, for the petitioner,
(in both the cases).

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

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two petitions for the grant of anticipatory bail are being disposed of, the details of which have been given in the heading of the order as both the petitions arise out of the same FIR.

The present petitions have been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No. 142 dated 28.10.2021 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Sangrur, District Sangrur, Punjab.

Learned counsel for the petitioners submits that the petitioners have done no wrong and in fact, they have wrongly been roped in the allegations, which have been mentioned in the FIR. Learned counsel for the petitioner further submits that the alleged purchaser, who has allegedly paid Rs.65 lacs to the petitioner in pursuance to the sale, has not filed any complaint and only the owner, who has not lost anything as of now, has filed the complaint. Learned counsel for the petitioners further submits that as the petitioners are ready to join the investigation, they may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, 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 the allegations alleged against the petitioners are very serious in nature as the owners of the land i.e. the complainant, has been impersonated by the petitioners so as to sell the said land to a third party. Learned counsel for the respondent-State further submits that the Aadhar Card as well as other documents relating to the owner has been forged so as to execute the sale by impersonation. Learned counsel for the respondent-State further submits that the petitioners are operating in a gang and the Aadhar Card as well as

other documents have been forged which information is yet to be elicited from the petitioners alongwith the recovery of the said forged Aadhar Card used for selling the land by impersonating, which can only be done by custodial interrogation. Learned counsel for the respondent-State further submits that the custodial interrogation is also necessary to find out whether, even the alleged purchaser of the land, is genuine or he is also a part of the gang, for the reason that despite an allegation that he has paid Rs.65 lacs to the petitioners in lieu of a land, of which the petitioners were not the owner, is still to allege fraud/cheating, as no complaint has been filed by the said purchaser so far, hence, the prayer of the petitioners for the grant of anticipatory bail may kindly be rejected.

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

The allegations against the petitioners are that the petitioners sold the land belonging to the complainant by forging the documents and impersonating the complainant while executing the sale deed. This offence is serious in nature. The forged documents are yet to be recovered and the *modus operandi* of getting the documents forged is also yet to be unearthed during the investigation. While considering the prayer of an accused for the grant of anticipatory bail, this Court has to analyze whether, by accepting the prayer that petitioner that he/she will join the investigation and cooperate, the purpose of investigation will be achieved or not.

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.

Keeping in view the facts and circumstances of this case, where the forged documents are yet to be recovered and *modus operandi* in executing the forged documents by impersonation is yet to come on record, a stern hand is to be given to the Investigating Agency. Hence, this is not a case, where allowing the petitioners to join into investigation and co-operate will achieve purpose of investigation as the same can only be achieved by the Investigating Agency through custodial interrogation.

Keeping in view the facts and circumstances of this case, as noticed hereinbefore, no ground is made out to grant the benefit of anticipatory bail to the petitioners.

Accordingly, both the petitions are dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 18, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No