

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRM-M-48774-2021

Date of Decision : November 22, 2021

Faljit Singh

..Petitioner

Versus

State of Punjab

..Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Dhivya Jerath, Advocate, for the petitioner.

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

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner 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 petitioner submits that the petitioner has done no wrong and in fact, he has 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 petitioner further submits that as the petitioner is ready to join the investigation, he may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conferencing, 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 petitioner are very serious in nature as the owners of the land i.e. the complainant, have been impersonated by the petitioner 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 have been forged so as to execute the sale by impersonation. Learned counsel for the respondent-State further submits that the petitioner is 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 petitioner alongwith the recovery of the said forged Aadhar Card used for selling the land by impersonation, 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 petitioner in lieu of a land, of which the petitioner was not

the owner, he is still to allege fraud/cheating, as no complaint has been filed

by the said purchaser so far, hence, the prayer of the petitioner 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 petitioner are that the petitioner alongwith co-accused 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 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 petitioner 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 petitioner.

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 22, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No